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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

BYRON SHER AUDITORIUM

SACRAMENTO, CALIFORNIA

ITEM 1

TUESDAY, AUGUST 14, 2007

9:38 A.M.

KATHRYN S. SWANK, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chairperson

Mr. Wesley Chesbro

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliott Block, Acting Chief Counsel

Mr. Michael Bledsoe, Staff Counsel

Mr. Ted Rauh, Program Director, Permitting & Enforcement

Ms. Kristen Garner, Executive Assistant

Mr. John Bell (via Webcast)

Ms. Dianne Ohiosumua

ALSO PRESENT

Ms. LaDonna Akin (via Webcast)

Ms. Ingrid Brostrom, Center on Race, Poverty & the  
Environment (via Webcast)

Ms. Lynda Brothers, Nursery Products, LLC

Mr. Francis Church, helphinkley.org (via Webcast)

APPEARANCES CONTINUED

Mr. Robert Conaway, (via Webcast)  
Ms. Kimberly Cox, Mojave Water Agency (via Webcast)  
Mr. Lawrence E. Dale, City of Barstow (via Webcast)  
Mr. Norman Diaz, helphinkley.org, (via Webcast)  
Ms. Sandra Hill Diaz, helphinkley.org (via Webcast)  
Mr. Joe Gomez, City of Barstow  
Ms. Paula Harold, San Bernardino County  
Ms. Betty Hulen (via Webcast)  
Mr. Martin Isaacson (via Webcast)  
Ms. Edna Later (via Webcast)  
Ms. Beverly Lowry, Mojave Water Agency (via Webcast)  
Mr. Jeff Meberg, Nursery Products, LLC  
Ms. Judy Miller (via Webcast)  
Ms. Bette Moses (via Webcast)  
Ms. Jessie Orr (via Webcast)  
Mr. Mark Orr (via Webcast)  
Mr. Jim Perkins (via Webcast)  
Mr. Hector Rodriguez, City of Barstow (via Webcast)  
Mr. Chris Seeney, Nursery Products, LLC

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1. Consideration of a New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) for the Nursery Products Hawes Composting Facility, San Bernardino County -- (Committee Item B) (Note: The Board will be accepting remote public testimony for this item at City of Barstow Council Chambers, 220 East Mountain Street, Barstow, CA 92311. This item will be heard at the Tuesday, August 14, 2007, Board Meeting in Sacramento.)	1
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1 PROCEEDINGS

2 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

3 Yes, good morning, Madam Chair and Board members.

4 Before you today is consideration of a New Solid  
5 Waste Facilities Compostable Material Handling Permit for  
6 the Nursery Products Hawes Composting Facility in San  
7 Bernardino County.

8 Today we have several presentations to be made  
9 before you, first being a brief review of the proposal  
10 from staff; and secondly, we'll have a presentation from  
11 the LEA; and third, we'll have a presentation from the  
12 operator and then followed by the comments from the  
13 citizens in Barstow and others that may be here.

14 With that, I'd like to turn it over to Dianne  
15 Ohiosumua to make the brief staff presentation.

16 CHAIRPERSON BROWN: Thank you, Ted.

17 Hi, Dianne.

18 MS. OHIOSUMUA: Good morning.

19 The proposed permit will allow the following: The  
20 operation of the compostable material handling facility,  
21 handling biosolids and green material; a maximum daily  
22 tonnage of 2,000 wet tons per day; per LEA conditions,  
23 17d; the bulking agent and amendments will not exceed 200  
24 tons per day; the maximum traffic of 97 vehicles per day;  
25 per LEA condition 17i, the peak traffic volume includes 87

1 trucks per day and 10 passenger vehicles per day; the  
2 hours of operations are from 6 o'clock a.m. to 8 o'clock  
3 p.m.

4 The operations will include the mixing of  
5 biosolids with green material and the incorporation of the  
6 material into windrows, which will be brought to a  
7 temperature at or above 133 degrees Fahrenheit for at  
8 least 15 days. The windrows will be turned a minimum of five  
9 times to allow all areas of the windrows to be exposed to  
10 the required temperature to kill pathogenic organisms.

11 The proposed facility was subject to an  
12 environmental impact report which concluded that all but  
13 impacts to air quality would be mitigated to less than  
14 significant.

15 The EIR indicates that VOCs will be released from  
16 the compost process at levels that surpass the annual  
17 emission thresholds for VOCs for the project. Mitigations  
18 were found fiscally infeasible.

19 The facility operator has received a required land  
20 use approval and will be required to obtain approval from  
21 the Air District and the Regional Water Quality Control  
22 Board and other agencies before starting operations.

23 Staff has summarized issues raised by stakeholders  
24 on page 7 of the agenda item. They have also received and  
25 responded to several e-mails that have been received from

1 concerned citizens since the committee meeting on Monday,  
2 August the 6th.

3 Staff finds that the LEA has made all of the  
4 necessary findings relevant to the permit. Board staff  
5 has determined all of the requirements for the proposed  
6 permit have been met, as required in the Public Resource  
7 Code 44009.

8 Therefore, Board staff recommends Option 1, that  
9 the Board adopt Resolution 2007-0163; and in doing so,  
10 adopt the CEQA finding and the Statement of Overriding  
11 Considerations that have been adopted by the lead agency;  
12 and concur on the issuance of the Solid Waste Facility  
13 Permit No. 36AA04445.

14 The San Bernardino County LEA and the operator are  
15 present. And they can answer any question you may have.  
16 Staff understands that the LEA and the operator have a  
17 presentation to make to the Board. The LEA is ready to  
18 make their presentation at this time.

19 CHAIRPERSON BROWN: Thank you, Dianne.

20 MS. OHIOSUMUA: Thank you.

21 CHAIRPERSON BROWN: Introduce yourself for the  
22 record.

23 MS. HAROLD: Hi. Good morning, Chair and Board  
24 members. My name is Paula Harold, and I work for San  
25 Bernardino County LEA. I'm here to present on Nursery

1 Products Hawes composting facility.

2 I have prepared a summary of all the actions that  
3 occurred during the CEQA process, which allowed public  
4 participation. First, in February 2006, the LEA attended  
5 a project kickoff meeting with planning, the applicant,  
6 and URS, which is the EIR consultant.

7 Also in February, a notice of preparation for the  
8 draft EIR was available for public review and comment at  
9 the Hinkley Senior Citizen Center and the Barstow Branch  
10 Library.

11 In May 2006, Planning held a public scoping  
12 meeting in Hinkley for the notice of preparation for the  
13 draft EIR. At that meeting, 18 members of the public  
14 attended.

15 In September 2006, a notice of availability for  
16 the draft EIR was provided and gave the opportunity for  
17 the public to provide comments. The draft EIR was  
18 available again at the Hinkley Senior Citizen Center and  
19 Barstow Branch Library.

20 In October 2006, the San Bernardino County  
21 planning conducted an informational meeting for the draft  
22 EIR which gave the public an opportunity to provide public  
23 comments.

24 Then in November 2006, a notice of completion was  
25 completed and indicated the final and draft EIRs were



1 available at the Hinkley Senior Citizen Center and Barstow  
2 Branch Library.

3 In November, the County Planning Commission  
4 meeting for the CUP, conditional use permit, approval was  
5 held. And the public also attended this meeting to  
6 provide comments.

7 In December 2006, an appeal to the board of  
8 supervisors on the planning commission's approval was made  
9 but was continued until February 2007.

10 Then in February 2007, the board of supervisors  
11 certified the EIR and adopted the statement of overriding  
12 considerations.

13 During the solid waste facility permit process in  
14 December 2006, the operator submitted a solid waste  
15 facility permit application package and requested the LEA  
16 to accept it as incomplete, and that was because the  
17 facility was not yet identified in the countywide  
18 integrated waste management plan as a nondisposal facility  
19 element.

20 In December, the LEA accepted the incomplete  
21 application package. And the due date to make the package  
22 complete was June 2007. That would give it 180 days.

23 In March 2007, the board of supervisors adopted an  
24 amended -- amendment to the countywide integrated waste  
25 management plan for the nondisposal facility element. The

1 public did attend this meeting to make comments.

2 In April 2007, the County Solid Waste Advisory  
3 Task Force held a meeting to consider the nondisposal  
4 facility element for recommendation to our board of  
5 supervisors. And there was a board of supervisors agenda  
6 item which they did approve.

7 Also, in April, the LEA received an amendment to  
8 the application package from the operator and accepted it  
9 as complete because the facility was then identified in  
10 the countywide integrated waste management plan as a  
11 nondisposal facility element.

12 In June 2007, for public outreach, the LEA had  
13 been in contact with the spokespersons for the local  
14 community groups and we contacted them, encouraged them,  
15 to submit comments to be considered before we submitted a  
16 proposed permit.

17 A newspaper article was published to encourage  
18 public comment prior to the LEA submitting the proposed  
19 permit. The LEA received 34 public comments and they were  
20 reviewed and considered during the writing of the proposed  
21 permit and reviewing of the report of composting site  
22 information.

23 Issues within the LEA jurisdiction that the public  
24 comments addressed, we made sure that they were addressed  
25 in the RCSI to comply with state minimum standards. The

1 LEA received -- reviewed the EIR mitigation and monitoring  
2 measures and those that fell within the LEA's jurisdiction  
3 were also addressed in the RCSI.

4 In June 2007, the LEA submitted a proposed permit  
5 to the CIWMB, and we made the following findings:  
6 certified that the application package was complete and  
7 correct; that the RCSI met the requirements of title 14;  
8 that there was compliance with CEQA; and the facility was  
9 identified in the countywide integrated waste management  
10 plan for their NDFE.

11 Just to kind of go over the report of composting  
12 site information, that is the document that describes the  
13 operation of the facility. Again, public comments were  
14 received and we reviewed them and issues within the LEA's  
15 authority were addressed in the RCSI.

16 Revisions were made to the RCSI to address  
17 comments that we further made, along with CIWMB staff.  
18 The LEA did make a completeness finding on the RCSI.

19 The LEA's responses to the public's comments, if  
20 you refer to Attachment 5, that list all the public  
21 comments and the issues. A lot of -- a majority of the  
22 comments that were raised were related to air quality,  
23 which is not within the LEA's authority. Other comments  
24 not within the LEA authority dealt with water,  
25 contamination, air quality, and fire protection, and

1 tortoise protection.

2 Public's comments that the LEA had within their  
3 authority and were addressed had to deal with dust, odor,  
4 vectors and fire control.

5 Other regulatory agencies that have oversight on  
6 this project, and that will require permits and approvals  
7 to be obtained prior to the start of operations, are San  
8 Bernardino County Fire Department, California Regional  
9 Water Quality Control Board in the Lahontan Region, and  
10 the Mojave Desert Air Quality Management District.

11 The role of the LEA continues after the issues of  
12 the solid waste facility permit. We will inspect the site  
13 monthly to verify facility operations are in compliance  
14 with Title 14 and 27 for state minimum standards and that  
15 they reflect the RCSI to protect public health and safety.  
16 The state minimum standards and all permit conditions will  
17 be enforced.

18 As far as our role prior to them starting  
19 operations, during the construction phase, the LEA will  
20 also inspect the site on a monthly basis, and that's to  
21 ensure that all the physical requirements are met prior to  
22 operations.

23 Some examples may be to make sure that they have  
24 their anemometer to check the wind speed and also to have  
25 their monthly logs all set in place once they begin

1 operations.

2 And for complaints, any complaints that we receive  
3 after operations, they will be investigated within 48  
4 hours of receipt.

5 In conclusion, the LEA has certified that the  
6 application package is complete and correct; the RCSI  
7 meets requirements of title 14; there's compliance with  
8 CEQA and the facility is identified in the countywide  
9 integrated waste management plan as a nondisposal facility  
10 element.

11 For public outreach, the LEA is aware of the  
12 public concerns because we have been involved with  
13 meetings that were held during the CEQA process.

14 Several public comment periods were also extended  
15 during the CEQA process to allow additional time for  
16 public comments. And based on the submitted RCSI, the  
17 design and operation for this facility would allow the  
18 facility to comply with state minimum standards.

19 That concludes my presentation.

20 Do you have any questions?

21 CHAIRPERSON BROWN: Thank you.

22 Does anybody have any questions for the LEA?

23 Not at this time. I think we'll go through all  
24 the presentations and then have you come back up to answer  
25 some specific questions.

1           MEMBER CHESBRO: I just wanted to make sure that  
2 you were going to be available later in the meeting to ask  
3 questions coming up.

4           MS. HAROLD: Yes, I will be here.

5           CHAIRPERSON BROWN: Operator?

6           MR. MEBERG: Hi. I'm Jeff Meberg from Nursery  
7 Products Composting.

8           I was here last week at the committee meeting and  
9 I gave you a presentation. And I can go through that  
10 presentation again right now, or I was just handed a few  
11 questions from some staff at Integrated Waste. And I can  
12 just address the questions.

13          CHAIRPERSON BROWN: I don't think we need the  
14 presentation again since all the members were here last  
15 Monday.

16          So just address some of the concerns and issues.  
17 That would be great.

18          MR. MEBERG: Okay.

19          The project is a recycling project that benefits  
20 both the state of California and the county of San  
21 Bernardino. San Bernardino county does not have anywhere  
22 near enough capacity for the biosolids that the county  
23 generates themselves for recycling. There are no biosolid  
24 compost sites in the high desert for communities and  
25 municipalities to send their biosolids to. The only two

1 options these communities have to send their biosolids to  
2 is Kern County or out of state.

3 This project is not close to anyone. The distance  
4 is important because we need to address dust control.  
5 The -- we have to adhere to the AQMD Rule 403 which  
6 prevents any dust from leaving our site. The AQMD, that  
7 rule is already in place. We have to adhere to it.  
8 That's part of our dust control plan.

9 Biosolids are 80 to 90 percent water. This is  
10 important for a few reasons. One, the dust as well as  
11 fire. The biosolids don't blow. The purpose of me  
12 showing a slide last week, in the presentation of a waste  
13 water treatment plant that was close to residents, that  
14 air-dry their biosolids outdoors, is to remind everyone  
15 that if biosolids blew in high winds, which is prevalent  
16 in the high desert, these wastewater treatment plants  
17 would be experiencing biosolids blowing from the  
18 wastewater treatment plants. That isn't the case. So  
19 that's why I brought that point up.

20 Secondly, with biosolids being 80 to 90 percent  
21 water, fire issues are significantly reduced. However,  
22 we're working closely with the county fire department.  
23 And we will comply with all the rules and regulations that  
24 they put upon us.

25 Included, we will train our own personnel on how

1 to handle fires. And we will also use our own equipment  
2 to deal with any sort of fire issues that happens at the  
3 site. And we included that in our RCSI.

4 The biosolids that we will be receiving to our  
5 facility are class A and class B biosolids that come from  
6 a wastewater treatment plant. It is not raw sewage. It  
7 is not waste that comes from a septic tank or a  
8 portapotty, for lack of a better term. These are  
9 biosolids that have been treated at wastewater treatment  
10 plants.

11 We have a load check procedure at the facility.  
12 For biosolids, prior to any truck coming into our  
13 facility, we first establish the client. They fill out a  
14 waste profile sheet, and they provide us a waste profile  
15 sheet and all the laboratory analysis that they are  
16 required to run, according to EPA 503 regulations.  
17 Included in that laboratory analysis is the cam [phonetic]  
18 metals, PH, semi-volatiles, volatiles and so forth.

19 Once we approve it, then the trucks can come into  
20 our facility. It's the same with the green waste and  
21 anything else. No trucks come into our facility and dump  
22 anything prior to us establishing them as a client first,  
23 and then them filling out a waste profile sheet. Once  
24 they arrive at the site, then Chris Seeney or other  
25 personnel are trained according to CIWMB regulations on



1 load checks.

2 We -- in Adelanto, as well as the site that we  
3 open in Hawes, we'll have an air monitoring equipment at  
4 the site. It measures wind direction, speed, and air  
5 temperature, and automatically downloads it to our hard  
6 drive every five minutes.

7 As Paula Harold mentioned, when the LEA comes out  
8 and does their unannounced inspections at our site, part  
9 of what they look at are the logs that we -- that we  
10 record.

11 When we open our composting site, we will operate  
12 under EPA Part 503 composting regulations. As the county  
13 consultant, URS, mentioned last week, the EIR evaluated  
14 two types of composting methods for our composting  
15 procedures: standard EPA Part 503 method, and the modified  
16 static aerobic pile method, creatively called the MSAP  
17 method. When we operated in Adelanto, the EPA gave us a  
18 site-specific approval for operating with the MSAP method.

19 To obtain this EPA approval, we had to submit a  
20 testing protocol to the EPA. And they would actually  
21 participate in the testing method. We then performed a  
22 90-day test under the EPA supervision. After the 90-day  
23 period, EPA approved our MSAP methodology. I brought that  
24 entire test today and will submit it to the Board.

25 I will also submit to the Board the approval

1 letter from the EPA that gave Nursery Products the  
2 approval to operate using the MSAP method.

3 When we opened at the Hawes site, we will operate  
4 under EPA Part 503 regulations and have the option of  
5 applying for the MSAP method. I hope that's clear.

6 This project is a win-win facility, and I'm very  
7 proud of it. I'm proud that we have taken extra measures  
8 to be a state-of-the-art facility, and we are doing our  
9 part to provide the region with a cost effective option  
10 for diverting organic waste from landfills to our  
11 recycling facility.

12 That's it for now.

13 CHAIRPERSON BROWN: Thank you, Jeff.

14 Does anybody have any questions for the operator?

15 Not yet.

16 Can I take speakers?

17 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

18 That's correct.

19 CHAIRPERSON BROWN: Okay. We currently have one  
20 speaker who is scheduled to speak here, in Sacramento, and  
21 then we'll open it up for speakers in Barstow.

22 First we have Joe Gomez, City of Barstow.

23 Welcome, Council Member.

24 MR. GOMEZ: Good morning. Excuse me. I've lost  
25 my voice the last couple of days so I will do the best I

1 can.

2 Joe Gomez, city council member in Barstow,  
3 California, representing the City of Barstow and also the  
4 wonderful people of Hinkley.

5 (Thereupon an overhead presentation was  
6 presented as follows.)

7 MR. GOMEZ: I put together a presentation,  
8 actually, last night, only because I felt it was important  
9 for you to at least take a look at some of the facts that  
10 are occurring with the people of Hinkley in regards to the  
11 Nursery Products facility.

12 --o0o--

13 MR. GOMEZ: In looking up what the waste --  
14 California Integrated Waste Management Board, I was  
15 looking exactly what you guys are all about.

16 One is this partnership with this local  
17 government. The people of Barstow and the city council  
18 oppose this project. The school district has a resolution  
19 also opposing the project. The Mojave Valley Water  
20 Association opposes the project. Barstow Area Chamber of  
21 Commerce opposes the project.

22 We have nothing against composting. We encourage  
23 composting. But we feel that Nursery Products have not  
24 been a good neighbor. They have not talked to the city of  
25 Barstow. They really did not come out to the community

1 other than going to libraries to discuss or educate the  
2 people in the community about composting facility.

3 We talk about the public. We talk about the  
4 people of Hinkley. And I would just like to take a few  
5 minutes just to show you how the winds in Barstow  
6 throughout the year, about 60 -- well, 60 percent of the  
7 time, 40- to 50-mile-per-hour winds from west to the east  
8 of Barstow.

9 I was hoping your technology would be a little bit  
10 better than mine. But what I was going to do and going to  
11 present a video clip that Norm Diaz -- I'm sure many of  
12 you have talked to Norm Diaz. Norm has sacrificed many  
13 hours working to educate -- well, I was able to get it up.  
14 However, don't look like you guys have Macromedia Flash  
15 Player. But I will go ahead and get out of it.

16 Is there any way you can escape from that?

17 But any way, just a simple video, and you can look  
18 on YouTube. It's under "Help Hinkley." And in that  
19 video, you will see where Norm Diaz went out to the site  
20 that is just full of chips at this time, and it was about  
21 40-, 50-mile-per-hour winds that day. And him and his  
22 kids, they both had masks on, they were just blowing up  
23 the dust. It was just to give you an idea of the powerful  
24 winds that exist in Barstow. And that's why our  
25 concern -- that's why we have such a concern of the city,

1 because whatever affects the outlying areas, such as  
2 Hinkley, also affects the community of Barstow.

3 --o0o--

4 MR. GOMEZ: Here is the proposed site, Nursery  
5 Products LLC proposed site. They mention on there that  
6 the nearest house is a mile away.

7 Whether it's one person or 200 people, what  
8 difference does that make? There's still a family that  
9 lives here.

10 You will notice, they said 10 miles is a Wal-Mart  
11 distribution center.

12 This is a proposed facility that is going to be  
13 distributing fruits and vegetables. That's expected to be  
14 open next year.

15 You have Hinkley Elementary School. If any of you  
16 have children, you will know that this is going to be a  
17 big concern to the families. That's why Norm Diaz has  
18 fought so hard. It's not so much for Norm Diaz. It's for  
19 his children. He's concerned about the future of the  
20 community.

21 Right along here is Highway 58, a mile from the  
22 site, a two-way road that if any of you drove from  
23 Bakersfield to Las Vegas, especially during the weekend,  
24 you will find that there's standstill traffic over here,  
25 people waiting to cross Kramer Junction, going back and

1     forth, and it's a big concern.

2             And there's going to be additional trucks, they  
3     say, an additional 87 per day. But according to the  
4     report that they filed back in April 1st, they say 97  
5     vehicles per day, going back and forth, 365 days per year.  
6     That's going to have a tremendous effect. And my concern  
7     is the safety of the public, especially on this Highway  
8     58.

9             Do any of you have questions in regards to this  
10    map?

11                             --o0o--

12            MR. GOMEZ: On August 9th, 2005, Superior Court  
13     Judge Stanford Reichert overruled nearly all of Hagopian's  
14     37 objections. He said there is sufficient evidence to  
15     lead the court to the conclusion that the City is likely  
16     to prevail with all its claims that the odors and the  
17     flies and the other situations are coming from the  
18     nursery. This is at the facility they had in Adelanto.

19            And I'm sure, at the time when they had that  
20     facility, they said everything was going to be taken care  
21     of. As a matter of fact, they even admitted that they  
22     made a mistake by not doing their homework.

23            How many people have made mistakes that don't get  
24     that second chance? We are giving these Nursery Products  
25     a second chance. And if this is going to happen -- and

1 I'm sure it gets a little discouraging for the people of  
2 Hinkley and Norm Diaz because every body, government  
3 agency, that they came in front of, they made their  
4 comment, and they say that the people -- that the voice of  
5 the people is what counts.

6 Not one person has voted in their favor. They  
7 have all voted against and that discourages also myself,  
8 because we are elected officials. We say we're going to  
9 listen to the people. That has not happened. And I don't  
10 think it will happen today.

11 I will be happy if I get one vote. But I don't  
12 think it's going to happen. I think it's time that this  
13 agency -- I don't know how powerful you are, but at least  
14 put into consideration and adopt the CEQA findings adopted  
15 by the lead agency and object to the issuance of the  
16 proposed issuance submitted by the LEA due to the  
17 project's significant unavoidable environmental effects.

18 This is an open-air facility. This is no  
19 high-tech facility like Nursery Products claimed. If it  
20 was high-tech, it would be enclosed. But they don't want  
21 to spend the money, because what counts is the bottom  
22 line.

23 If you really care, or if any agency cares, about  
24 the community, I would urge you to just vote no, no  
25 against this composting facility. And I'm sure you are

1 going to hear a lot more comments from the community of  
2 Hinkley.

3 And believe me, the people of Hinkley, I will be  
4 watching them to see what type of reactions they get. I  
5 will sit here during the entire meeting.

6 I appreciate the time you have given me to do the  
7 best I can explaining -- I'm not an expert in composting,  
8 but I understand the people of Hinkley and the community  
9 of Barstow.

10 So I thank you.

11 CHAIRPERSON BROWN: Thank you, Council Member  
12 Gomez.

13 Are there any questions for the council member at  
14 this time?

15 Thank you.

16 MR. GOMEZ: Thank you. You're welcome.

17 CHAIRPERSON BROWN: Before we open up the  
18 microphone and do public comment from Barstow, I did skip  
19 over Elliot.

20 My apologizes. But better later than never.

21 Can you just -- as a reminder for us and also  
22 those in the audience here as well as the other  
23 audience -- describe the actions or the proposal and how  
24 we move forward and what our jurisdiction is over this?

25 MEMBER CHESBRO: For the folks who are listening



1 in Barstow, maybe you could tell them who Elliot is.

2 CHAIRPERSON BROWN: Thank you.

3 Elliot Block is chief counsel for the Integrated  
4 Waste Management Board.

5 And Elliot?

6 CHIEF COUNSEL BLOCK: Well, let me just quickly  
7 out line the scope of the Board's authority on the  
8 proposed permit in light of the testimony that we're  
9 allowed to utilize.

10 And to the extent that some of this is repetitive  
11 from last week, I apologize. But I think it is important  
12 to say it before there is any more testimony.

13 Public Resources Code Section 44009 provides that  
14 the Board may only object to the proposed solid waste  
15 facility permit if it is not consistent with the Board's  
16 state minimum standards or the Board's conformance finding  
17 requirements.

18 The Board may also object for failure to meet the  
19 CEQA requirements to the extent that the CEQA issues are  
20 related to the Board's jurisdiction.

21 The Public Resources Code 44009 also requires the  
22 Board decision to be based upon substantial evidence in  
23 the record. And substantial evidence is defined as  
24 meaning factual information. It does not include  
25 speculation, opinion, or conjecture.

1           Therefore, the public testimony that the Board can  
2   utilize today in making its decision needs to be related  
3   to matters within the Board's jurisdiction, not matters  
4   that are not within the Board's jurisdiction, such as air  
5   quality, water quality, as has been mentioned.

6           And also, that information needs to be factual in  
7   nature. For anybody that is unclear as to what issues are  
8   within the Board's jurisdiction, it's basically the issues  
9   that are outlined in the agenda item. The Board staff  
10   analysis goes through those issues.

11           So I don't know if that's sufficient.

12           If anybody has any questions, I could further  
13   elaborate.

14           CHAIRPERSON BROWN: No, but we may need to refer  
15   to you.

16           And I do want to -- as we turn it over to  
17   Barstow -- assure everybody in our audience in Barstow  
18   that we received and the board has received copies of all  
19   of the correspondence that has been sent to Tracy or  
20   Michael, even as late as last evening and this morning.

21           Any letters that were e-mailed prior to the  
22   beginning of this board meeting at 9:30, the Board has  
23   received copies of and they are before us here in  
24   Sacramento. So we do have all of the letters and  
25   correspondence and attachments and photographs that you

1 have sent and we do appreciate your participation in the  
2 process.

3 In anticipation that we will have a number of  
4 speakers, I would like to request that as you do approach  
5 the microphone, you try and keep your comments concise and  
6 to the issues that this Board has jurisdiction over. We  
7 will ask the LEA and the operator as well as our staff to  
8 respond to as many of the issues as we can and we will  
9 continue to follow up with questions. Try and keep your  
10 comments concise. And if issues have been raised, you can  
11 reference the speaker. I think the same format that we  
12 used Monday during the committee meeting, if a speaker has  
13 previously mentioned your issues, you can support their  
14 comments as well.

15 Anything else?

16 Okay. Then who is -- Jeff Bell. John Bell.

17 Sorry, John.

18 John, I'm going to turn this over to you down in  
19 Barstow, to have the speakers approach the microphone.

20 We do have a court reporter taking the record. So  
21 I would like everybody, as you approach the microphone, to  
22 state your name for the record.

23 MR. BELL: The first speaker will be Lawrence  
24 Dale, mayor of the City of Barstow, followed by Norm Diaz.

25 MR. DALE: Good morning. My name is Lawrence

1 Dale, mayor of the City of Barstow as well as a resident  
2 of the City of Barstow; I reside at 941 Sanita Drive,  
3 Barstow, California.

4 Chair and Board Members of the California  
5 Integrated Waste Board, as mayor of Barstow, California, I  
6 do not oppose economic growth in our county or any area.

7 I assure you, I welcome any growth that fosters  
8 the quality of life for those affected as well as  
9 mitigates the impacts that are caused by the company  
10 that's been involved.

11 This project, Nursery Products Biowaste Facility  
12 as proposed, being allowed to operate as an open-air  
13 facility, simply dumping waste on the ground, wastewater  
14 sewage, and other green waste, has the potential to create  
15 substantial odors and vectors affected -- affecting the  
16 substantially -- a number of people with respiratory  
17 problems, disease, and so forth.

18 In addition, the hazardous or hazardous materials  
19 that can be mixed in these products as noted in this  
20 category is identified as having potential significant  
21 impacts.

22 Eighty-seven trucks -- trips per day along our  
23 now-congested Route 58 would be significant -- give  
24 significant problems as well as its routing through our  
25 community. As mentioned by Councilman Gomez in your city

1 and his testimony, the 58 route is substantially congested  
2 today and would create great problems for our community.

3 San Bernardino County has a proposed composting  
4 facility, that I believe will set a standard for those  
5 composting facilities. And I believe our community would  
6 support an enclosed facility such as the one proposed in  
7 Redlands.

8 If this project is allowed to proceed as now  
9 planned, the economic growth of our community will, I am  
10 sure, be drastically affected, not only in economic  
11 growth, but the physical well-being of our community and  
12 citizens.

13 Today, I received information regarding a biowaste  
14 facility located in Fairmont, Minnesota, which reveals the  
15 technology is available for enclosed facilities, which we  
16 are all aware of. But this is another facility which puts  
17 out 17,000 tons of composting per year in an enclosed  
18 facility. And is a reputable business and does good  
19 business in the communities.

20 I will leave that document with the person here  
21 today, so it can be forwarded to you.

22 In closing, I would ask you each of you, sitting  
23 at the dais in Sacramento, to think of this project as a  
24 project in your neighborhood, 8 miles from your home, or  
25 school where your children or grandchildren go to school.

1           In addition, each of us as representatives of our  
2   community, work very hard to bring about the possible --  
3   the positive quality of life for our residents and  
4   adjoining communities.

5           I implore each of you to reject this project as an  
6   open-air project, and do what is necessary to see that  
7   this project is enclosed and protects the environment, as  
8   we expect to be done in the state of California and San  
9   Bernardino county.

10          I thank you for an opportunity to address you  
11   today. And hopefully, we can see this project done away  
12   with in its present status.

13          MR. BELL: Mr. Norman Diaz of Hinkley followed by  
14   Hector Rodriguez.

15          MR. DIAZ: Good morning, Board. Okay. We were  
16   going to try and play that video of the wind. Hopefully  
17   you've see it. It is on YouTube. I was hoping to show it  
18   to you, the members of the Board.

19          My name is Norman Diaz. I live in unincorporated  
20   San Bernardino County. I don't live in Hinkley; I don't  
21   live in Barstow. But I do live in the desert, and it is  
22   very important to me.

23          And as Joe mentioned a few too many times, I have  
24   been involved in this. I am concerned, and I think that  
25   there's a lot of concern. I've been the one traveling to

1 the meetings. I've become the face of the opposition.

2 It's not just one person; there's a lot of people. You  
3 have those petitions; you have those resolutions.

4 There is a lot of opposition to this. (Speaker's  
5 comments through Webcast were unintelligible.) This is  
6 something I had in my first meeting, and I don't know if  
7 you can see -- it's something I wish I could have it there  
8 with you. It's basically a map of the area. And these  
9 are pins in here. It's kind of hard to see the detail  
10 there.

11 Each of those pins is put in by a person in a  
12 house with a family and yard and a garden. All those  
13 people are concerned. The real problem here is the  
14 proposed site. All these houses are downwind. I could  
15 have enlarged this to include Barstow; this is basically  
16 just Hinkley.

17 So look at those people. I am here speaking for  
18 those people. Those people are concerned. Those people  
19 are against this project as proposed. And again, I'm glad  
20 we're not here talking about the benefits of composting or  
21 whether -- (speaker's comments through Webcast were  
22 unintelligible) -- would like to do again and the benefits  
23 of recycling. We're not going to show pictures of  
24 Newberry and Hinkley or any of that kind of stuff.

25 We're not doing that today. We are here -- we're

1 not even going to talk about the controversies of sludge.

2 We're here about a permit. This is a permitting board.

3 You are here to do your job.

4 Now, I would hope that you have some power. If  
5 that meant to believe that you never deny the permit --  
6 and you know, I sent an e-mail to you guys and it comes  
7 back with, like, 20 people on it, what do all those people  
8 do? If you can't deny this permit, then what is your  
9 power? What are you doing up there?

10 I would hope that that big building and all that  
11 staff is working on something. And I think that's  
12 important to state that you guys say your powers are  
13 limited, but this, from all the information that we've  
14 shown you, I think, warrants a second look. And look at  
15 your powers and look what you can do.

16 I've shown the Board the petitions and  
17 resolutions. I have shown those maps. You have those  
18 maps in front of you. Councilman Gomez showed them. I'll  
19 show that one again. There's one in Barstow. Compared it  
20 to the one that I sent you in Adelanto and the school in  
21 Adelanto that had all those problems.

22 Ask the applicant what they did for that school.  
23 They will tell you that it was the grass clippings, the  
24 grass clippings that did it. Tell those kids at the  
25 school that. And the school was the edge of the problem.



1 That was not 2 miles away. There's a problem at 3 miles.

2 There's a problem at 4 miles.

3 I talked to people that said 20 miles, they could  
4 smell that, that the city in front of you is going to be  
5 ten times larger than that. Same operators; same process.  
6 No grass clippings. But still, it's going to be a  
7 problem. They never fixed it in Adelanto. There was a  
8 problem until the end. And I submitted documentation that  
9 I wish there was some people from Adelanto here who could  
10 speak about that. I think that's important; you should  
11 recognize that.

12 Where was the farthest complaint? Ask the  
13 applicant that. Where -- how far away were the  
14 complaints? It went across the street. Yes, it was at  
15 the school two miles away, yes. But how far do we go?  
16 Was it a house? The distance of my kid's school. Would  
17 that be a concern to this Board? I hope so; I hope that  
18 would be a concern to the Board.

19 We talked about the wind. The video is not  
20 30 miles an hour, as Mr. Gomez says. Everybody's seen  
21 that video. That video -- and I submitted documentation  
22 of that day -- was between 23 and 28 miles per hour. That  
23 is within the limits of turning. They can work that day.  
24 That's just another day of them working, one of the 365  
25 days. And they are accepting a hundred loads. And, yes,

1 the sludge comes out with peanut butter. But they are  
2 mixing it to dry it out. They are working as hard as they  
3 can to dry it out. (Speaker's comments through Webcast  
4 were unintelligible.) And it will blow right towards my  
5 kids' school. And I think you guys should think about  
6 that.

7           There's alternatives. Everyone's spoken about  
8 alternatives. I think that's important. State-of-the-art  
9 technology of high -- on the ground, start-of-the-art  
10 technology. I don't know where he lives in Sacramento,  
11 but to us who were at the meeting, something with filters,  
12 something with concrete underneath, something to protect  
13 the workers as well as the people in the affected  
14 community. I think it's important you guys should think  
15 about that.

16           Back to the history of the applicant in Adelanto.  
17 Look at the lawsuit there, we have given to you guys.  
18 Think about that. This is the same people. Mr. Seeney --  
19 I respect Mr. Seeney, he's listed in those documents as  
20 accepting waste after a judge said not to. What do --  
21 what do we and the people of Barstow have for us? If  
22 these guys will accept waste after a judge says not to --  
23 the LEA was no help. The LEA didn't do anything in  
24 Adelanto. No complaints -- or no violations with  
25 thousands of complaints. Tell me that's not a problem.

1 Tell me that would not concern you and your community.

2 Fire considerations. Now, I submitted some fire  
3 stuff. They have enough water for 30 minutes. I'm trying  
4 not to laugh at that. But there's a fire, I sent you, of  
5 a compost pile in Texas that burned for six weeks.

6 The problem is, once they sprayed the water into  
7 those piles, that water becomes toxic and you got to  
8 capture that water. So does this -- does this one hose  
9 they have out of their one tank stretch a quarter mile by  
10 a half mile to this site as well as on to the finished  
11 piles which are dry for 30 minutes? Can they even stretch  
12 the hose in 30 minutes to the far side of the site? I  
13 think that's a problem.

14 And they've been -- when this first project came  
15 before us, it was with a water truck with a hydrant eight  
16 miles away. Then it became a well on the site. Now they  
17 have a water tank. They are doing as little as possible  
18 with the state-of-the-art technology they are talking  
19 about. Please consider that.

20 Last thing I wanted to talk to you about today --  
21 I know there are some other people here that are going to  
22 raise some of these issues -- is the storm issue.

23 And if you look at some of those nasty -- there  
24 is -- it showed what looked like rivers going through that  
25 site. Of course it's a desert; those are not rivers. But

1 those are flood channels that you just can't mess with  
2 those. Those of us that live in the desert know; when  
3 there's a rainstorm coming in, you don't stay in low  
4 ground; you get out of that. I don't care what kind of  
5 berms you are going to build or anything like that. It  
6 shows one of these major things going right through the  
7 site. That's going to be full of water.

8 In August of 2005, I had come home from a long  
9 road trip vacation with my family and I went out to my  
10 garden, and it was a beautiful day. Within about 30  
11 minutes, this storm came in and it dropped -- I have  
12 pictures here. I hope that you have these pictures. It  
13 dropped 12 inches of water in 20 minutes. This is on my  
14 ranch.

15 Now, my ranch, my great-grandfather homesteaded  
16 here. It's the only reason this is so important to me.  
17 It's high ground. During the 500-year floods of the '50s,  
18 they took boats and they dropped people to our ranch  
19 because we were on high ground. (Speaker's comments  
20 through Webcast were unintelligible) -- the rain was  
21 inside our rain boots, it was so high. My kids had a  
22 great time on it, by the way.

23 But how is Nursery Products going to deal with  
24 this, if this hits them? Now, of course, this is not  
25 going to be in the EIR. Because this -- a half mile on

1 either side of this, it was dry or sprinkling. But on top  
2 of us, it was a monsoon. This killed a hundred chickens  
3 in a coop at the feed store down the road. This came out  
4 of nowhere, and we had standing water up to our knees so  
5 fast. You tell me, this applicant who couldn't handle his  
6 40-acre site in Adelanto and allowed storm water to get  
7 out of that site into the public roadway is going to be  
8 able to handle this on his quarter-mile by half-mile site.

9 Explain that to my community, that he's going to  
10 be able to handle this. This water will flow off the  
11 site. It will become toxic after it goes through those  
12 pipes. It will head for the Mojave River, which feeds all  
13 the water of the Mojave Valley, talking a lot of the  
14 people will be affected by this. Will this applicant the  
15 resources to clean it up? I don't think so. I think  
16 that's important for you guys to consider.

17 I think you can deny this, as Councilman Gomez  
18 says. And as your agenda says, I know that Mr. Block is  
19 trained to speak legalese and all that stuff. But on your  
20 agenda, it says, you can deny this on grounds of  
21 significant unavoidable environmental effects.

22 I mean, this has it written all over it. If you  
23 have any power and you know what's right, you can vote to  
24 turn this thing down. Make this county LEA go back, do it  
25 right. There's questions there. We all know that. We

1 all know that we don't want the State to tell the local  
2 authority what to do. I understand all of that  
3 politicalness, unfortunately.

4 But I think it's important for you, as a Board, to  
5 use your power to think about the public safety. The  
6 county is not thinking about our public safety. We're  
7 looking to you to think about the public safety. Don't  
8 pass your responsibility on to another permitting agency,  
9 as everyone else does. As he said, the 300 agencies, Fish  
10 and Game -- I don't think so. Lahontan, they'll do some  
11 wastewater discharge permit. That's it.

12 AQMD has three board of supervisors on it.  
13 They've already approved this thing. We'll be at every  
14 phase of this. We will stand in front of this project  
15 until -- (speaker's comments cut out during Webcast) -- on  
16 the ground out there.

17 And I think that it's important that we do  
18 continue to stand in front of the project. And I think  
19 that's important that this Board does its duty to protect  
20 public safety. You guys speak of public safety. If you  
21 can't protect safety, then I don't think this Board should  
22 exist. And I do think that the Board has a job. And I  
23 think this job is to look at the projects in front of them  
24 on their merits and on the history of the applicant.

25 If it smells bad, it smells bad. I don't care how

1 many lawyers, how many lobbyists, how many PR firms you  
2 have with you. They have a lot of resources.

3 What do we have here in Hinkley? We don't have  
4 much. But we have done pretty good with this so far.  
5 We're making them do some mitigations they probably  
6 wouldn't have done. But we are small; we cannot fight all  
7 these guys by ourselves. We're looking for this board for  
8 help. We want you to deny this. Let me read that to you  
9 again. It's right off your Web site.

10 You "can object to the issuance of the proposed  
11 permit submitted by the LEA due to the project's  
12 significant unavoidable environmental effects."

13 That's all I need to say. And I thank you for  
14 your time.

15 And I do want to thank the staff of your Board and  
16 the Board members for spending so much extra time on us.  
17 I know that it went well and above and beyond what you  
18 needed to do. It is refreshing to have a body do that for  
19 us. And I thank you and the staff immensely.

20 Thank you very much.

21 (Applause.)

22 MR. RODRIGUEZ: Good morning. This is Hector  
23 Rodriguez, city manager of Barstow and also resident of  
24 Barstow.

25 First of all, I want to thank the Board for

1 allowing the local constituents to provide input to you,  
2 although it's not something -- (speaker's comments through  
3 Webcast were unintelligible) -- to this. But thank you.  
4 I know you've been proactive.

5           Having grown up in L.A., I know how it is to have  
6 better air quality than it is. It's much better now than  
7 it was about 30 years ago. I also have experienced  
8 cutting my own grass and leaving it in a trash can, having  
9 it sit there for a week. And I know how bad it smells and  
10 all the flies that come out of that. So I know that  
11 history, that personal history.

12           Coming to Barstow about a year and a half ago, I  
13 did not understand what people meant when they said  
14 "windy." Now I do. It blows constantly from about March  
15 to about November. And you can check that; that is a  
16 fact.

17           I know that your attorney said that you need to  
18 have facts. One of the things I will ask you, is that if  
19 you do not ask -- one of the other things that the  
20 proponents say is that they will comply with any standard  
21 proposed by the Board. If that is the case, then I would  
22 kindly request that you require them to cover the  
23 facility.

24           We're not asking you to kill the project. We're  
25 asking them to be cognizant of all the residents here in



1     this area.

2             Being a resident, of course, is self-serving. But  
3     that is my duty. I've also heard a lot today about state  
4     minimum standards. I think the Board can be proactive. I  
5     think the Board can be very -- in the forefront of this  
6     issue. We know that state minimum standards did not  
7     protect the public in Adelanto, and that's why there was  
8     so many issues.

9             The last time also the proponent mentioned the  
10    City of Barstow and some of the things that we do. And  
11    actually, I was appalled and aghast that they would  
12    compare the city's facility with the scope and extent of  
13    their facility.

14            So to that, like I said, I'm aghast. And I will  
15    leave it at that. I did send you a letter. It's dated  
16    (the speaker's comments were cut out by Webcast), 2007.  
17    And I would like to read part of it into the record for  
18    you.

19            "The city of Barstow objects to the issuance of  
20    the proposed permit for the Nursery Products Composting  
21    Facility. As the following analysis indicates, there are  
22    project deficiencies that support your authority under the  
23    Public Resources Code Section 44009, to object to the  
24    permitted issuance.

25            "There are viable alternatives to open-air

1 windrows, which would minimize the impacts and human  
2 contact.

3 "The analysis provided by San Bernardino County  
4 fails to comply with the standard. Bagging or using  
5 composting material to capture VOCs was not considered.

6 "While the CEQA findings are flawed and  
7 inconsistent, the City hereby requests that the Board  
8 adopt the Nursery Products findings for the purpose to  
9 object to the issuance to the project's significant  
10 unavoidable environmental effects."

11 There are two new biowaste facility -- composting  
12 facilities opening in San Bernardino county. The  
13 proponent, again, said there are none right now. But  
14 there are two proposed: one is in Rancho Cucamonga; the  
15 other one is in the City of Rialto. Again, if we are  
16 talking at air quality, we're talking about minimizing the  
17 impact -- (speaker's comments through Webcast were  
18 unintelligible) -- much closer to the source than we are.  
19 So they don't have to travel 60 miles up the Cajon Pass to  
20 get to us.

21 In closing, let me just say that I'm going to ask  
22 you, please stop this unnecessary project. Nursery  
23 Products does not meet the standards needed to protect  
24 public health and safety. Approval of this project would  
25 send the message that waste needs to be handled as cheaply

1 as possible with the long-term provision to protect the  
2 public health.

3 And with that, I thank you very much.

4 (Applause.)

5 MR. BELL: Beverly Lowry director of Division 6 --  
6 (speaker's comments through Webcast were  
7 unintelligible) -- followed by Kimberley Cox.

8 MS. LOWRY: Yes, my name is Beverley Lowry.

9 I live at 33920 L Street in Barstow, California.  
10 I've lived in this area for over 40 years. I'm speaking  
11 today for myself, my family, and my constituents.

12 I'm a retired field representative for two county  
13 supervisors. And I worked many years for the  
14 California -- the California Senate. So I do have some  
15 experience in public events such as this one. And I'm  
16 very concerned that you listen to the people that have  
17 already had their say and the many more that will come  
18 after me.

19 I also want to say that I am -- I agree with the  
20 mayor, Mr. Rodriguez, Mr. Diaz, and definitely Mr. Joe  
21 Gomez.

22 Mojave Water Agency Board of Directors unanimously  
23 opposed the Nursery Project [sic] LLC. Remember now, I  
24 represent 46,000 people, so I'm speaking for my  
25 constituents because I haven't had a single constituent

1 tell me they are in favor of this project; every one that  
2 I have talked to are opposed to it. They have every  
3 reason to be opposed to it.

4 This company that proposes this project has a  
5 terrible reputation. They made the life of the people in  
6 Adelanto pure hell.

7 I have friends. We have a staff person on our  
8 staff who told me, their screen doors were black with  
9 flies, that their children were sick on the playgrounds.  
10 How could we possibly let them do this to the people of  
11 Hinkley and the greater Barstow area?

12 I know that you are a very important board, the  
13 California Integrated Waste Management Board, and you come  
14 under the California Environmental Protection Agency.  
15 That says a lot to me. And I'm sure that governor  
16 Schwarzenegger would want you to consider the people  
17 first, not the company.

18 This company, as I understand it, gave out  
19 campaign contributions like I give candy bars at  
20 Halloween. These are things you need to think about.  
21 This isn't a very respectable company. I'm not afraid to  
22 say that because I know it's so. And if you speak the  
23 truth, you can't go wrong.

24 In closing, I just want to say that if this were  
25 enclosed facility, with modern technology that is

1 available today, I wouldn't be standing here opposing it.  
2 But an open-air, not enclosed, composting facility, that  
3 close to that many people, is absolutely unacceptable.

4 I don't know if this plant -- and we will fight it  
5 to the end -- is allowed to open.

6 Who's going to monitor it on a daily basis? I've  
7 heard these clients, "Oh, that once it's been constructed,  
8 we'll watch it and so forth." But who's going to keep  
9 their eye on it every day? And that's what will be  
10 required.

11 In closing, I want to just say this: I object to  
12 the issuance of the proposed permit as submitted by the  
13 LEA pursuant to PRC Section 44009; and I urge you to adopt  
14 the CEQA findings adopted by the lead agency and object to  
15 the issuance of the proposed permit submitted by the LEA  
16 due to the project's significant unavoidable environmental  
17 effects.

18 Do something for the people, not the company.  
19 We're the ones who count.

20 Thank you.

21 (Applause.)

22 MR. BELL: Kimberley Cox, general manager --  
23 (speaker's comments through Webcast were  
24 unintelligible) -- followed by Ingrid Brostrom.

25 MS. COX: Good morning, ladies and gentlemen of

1 the Board. It's truly an honor to stand before you.

2 I represent, as an elected official, Mojave Water  
3 Agency, Division 1. My division does cover the Hinkley  
4 area. And I am very concerned about the residents out  
5 there.

6 I, like Director Lowry, represent about 46,000  
7 people in the Mojave Desert. I also live in the community  
8 of Helendale. Helendale is located a few miles south of  
9 this facility. Helendale also includes about 11,000  
10 residents.

11 We are here. This is not in the middle of  
12 nowhere. This project is in a rule area of San Bernardino  
13 County in the desert, but there are people here. We care  
14 about our community. We live here in the desert because  
15 we love the desert. We love the fragile ecosystem. We  
16 love the rural lifestyle that our families, our  
17 grandchildren, enjoy.

18 I urge you, as elected officials, to reject your  
19 staff's recommendation. As, you know, as I do, as  
20 Director Lowry, as the other elected officials who have  
21 appeared before you today, we do have the right not to  
22 agree with our staffs and to impose other conditions.

23 So I strongly encourage you to oppose the permit  
24 due to the unavoidable environmental impacts that it will  
25 have.

1           I also -- I also resent the applicant's proposal  
2   that this is a state-of-the-art facility. If it were a  
3   state-of-the-art facility, they would cover it, much like  
4   many of the other new, more modern facilities that are  
5   being developed.

6           We do live in a very fragile ecosystem here in the  
7   desert. In fact, the Department of Fish and Game has  
8   objected to this project. And it was stated in the West  
9   Mojave Plan that there are to be no new waste facilities  
10  within the jurisdiction of that plan that has been  
11  adopted.

12          I have to think about AB 939. That is a law that  
13  is incumbent upon all government entities that they comply  
14  with the waste diversion that is outlined in there.

15          Have you truly asked yourself now that AB 939 is  
16  on the books, how do we truly quantify it? I have been  
17  told by officials, that deal in solid waste, that they  
18  receive credit from the State simply because a facility  
19  like this exists, that there are no manifests that truly  
20  quantify the amount of diversion, but because a facility  
21  is open, they get credit on the state level.

22          Perhaps you should evaluate that a little further.

23          I appreciated the presentation made by Paula  
24  Harold from the LEA. And she stated that the LEA's  
25  authority is dust, odor, vector control, and fire control.

1 I think these are all issues that are very relevant to  
2 this project. And I again encourage you to deny your  
3 staff's recommendation.

4 I have previously had conversations with members  
5 of the LEA, and they have stated that they can go out and  
6 investigate a facility. They can write a citation. But  
7 there are absolutely no teeth that they have to close down  
8 the facility. And I think that was very evident in the  
9 Adelanto facility, in that they actually had to go to a  
10 lawsuit because there was no teeth in the LEA's  
11 jurisdiction even though there were significant issues and  
12 environmental impacts caused from that.

13 So once again, I implore you, as elected  
14 officials, to do the right thing here, to deny your  
15 staff's recommendation, and do the right thing for the  
16 public.

17 I thank you so much for your time.

18 (Applause.)

19 MR. BELL: Ingrid Brostrom, Center on Race,  
20 Poverty, and the Environment, followed by Bette Moses.

21 MS. BROSTROM: Hello, good morning. My name is  
22 Ingrid Brostrom. I'm an attorney for the Center on Race,  
23 Poverty, and the Environment.

24 I urge this Board to object to the Nursery Product  
25 Hawes Composting Facility Permit on the grounds that it



1 fails to meet state minimum standards on nuisance, dust,  
2 fire equipment, water supply, traffic, and vector and bird  
3 control.

4 While this community may not be able to afford  
5 technical studies and expensive modeling to bring before  
6 you today, they can bring facts and a healthy dose of  
7 common sense.

8 For example, common sense tells you that a  
9 400,000-ton-per-year composting facility would generate a  
10 considerable amount of dust. Common sense tells you that  
11 the state's fourth windiest areas with vast open desert  
12 plains, that this dust will migrate off site. That is a  
13 violation of the state minimum standard for dust control.

14 Moreover, we don't need to sit here and argue  
15 about how far the dust will migrate -- Hinkley or Barstow.  
16 Common sense will tell you that the dust will migrate and  
17 affect visibility a mile away, on Highway 58.

18 This presents a serious safety hazard and also is  
19 a violation of state minimum standards on dust control.

20 This Board is well aware of the past problems that  
21 the same facility had in Adelanto. The applicant now  
22 proposes the same project, four to ten times larger, using  
23 the same composting methods that caused the nauseating  
24 odors, swarming flies, and dust in Adelanto.

25 The applicant has not demonstrated any project

1 changes that will remedy the project's demonstrated flaws.  
2 These flaws constituted a nuisance in Adelanto, and they  
3 will constitute a nuisance in Hinkley.

4 Without evidence showing that the nuisance has  
5 been remedied, the project failed to meet state minimum  
6 standards on nuisance.

7 This project also poses a significant public  
8 health hazard because of its inadequate preparation and  
9 equipment to protect the site from fire risk.

10 Initially, the applicant provided virtually no  
11 provisions for fire prevention and control. Now, they  
12 have pledged a water supply sufficient for 1500 gallons  
13 per minute for one half hour.

14 This Board has ruled that other combustible waste  
15 facilities must have a minimum water supply of  
16 2,000 gallons a minute for three hours, or six times what  
17 the project applicant is proposing here.

18 This Board has acknowledged that compost is known  
19 to be highly combustible. Given the size of this  
20 facility, the water supply is woefully inadequate to  
21 protect against a significant risk of fire. This is a  
22 violation of state minimum standards on fire equipment and  
23 water supply.

24 As you listen to the testimony of this community,  
25 I think you will realize that you don't need scientists

1 and engineers to tell you that this project will pose  
2 significant risks to the community and the environment.  
3 You Board has the authority and the duty to protect public  
4 health. Your only option, therefore, is to deny this  
5 permit on the grounds that it fails to meet minimum state  
6 standards.

7 Thank you.

8 MR. BELL: Bette Moses followed by Mark Orr.

9 MS. MOSES: Members of the California Integrated  
10 Waste Management Board, I thank you for giving us this  
11 opportunity to speak with you.

12 I am a little old lady from Barstow these days. I  
13 came here in 2004 from Corona del Mar Orange County. I've  
14 been a real estate broker for over 50 years, and I am so  
15 proud of the development that's happening here, in  
16 Barstow.

17 But if we have -- I met with -- (speaker's  
18 comments through Webcast were unintelligible) -- and the  
19 Army of the United States of America -- (speaker's  
20 comments through Webcast were unintelligible). Those  
21 people wanted to be here, but they had to go back to their  
22 bases.

23 They too would be affected, even 4 miles north of  
24 Barstow.

25 There are two marine bases 6 and 10 miles east.

1 The winds in the high desert brings a dust that permeates  
2 everything we have here. That's the one thing I hate  
3 about Barstow is the dust. And it sinks in everything,  
4 including your computers.

5 As the Garden Club past president, I have  
6 composted for years and I believe -- (speaker's comments  
7 through Webcast were unintelligible) -- use this compost  
8 in our gardens.

9 Eighty trucks hauling the biowaste up the Cajon  
10 Pass, through Victorville and pass through Lynwood. Some  
11 of that is going to escape and affect people.

12 Again, I thank you for hearing this. I hope that  
13 you can -- (speaker's comments through Webcast were  
14 unintelligible) -- things mentioned to defeat this. And I  
15 know that you will do whatever is best for your people.

16 Thank you.

17 (Applause.)

18 MR. BELL: Mark Orr followed by Francis Church.

19 MR. ORR: Good morning, CIWMB members. My name is  
20 Mark Orr. I live at 36714 Hidden River Road in Hinkley.

21 My residence is going to be approximately 5 miles  
22 from the fix of this thing. The California Integrated  
23 Waste Management Board meeting in Sacramento on  
24 August 6th, 2007, was yet another disappointing event for  
25 those opposed to Nursery Product's LLC plan, 80- to

1 160-acre, open-air, sludge, composting site at Hawes, west  
2 of Hinkley and Barstow, California.

3 The health and safety and quality of life of the  
4 people of the Mohave Desert continues to be ignored, in my  
5 opinion, by those who see the desert is a place to dump  
6 their problems in the crudest and cheapest modes possible.

7 Though the admission was made at the  
8 August 7th meeting for the danger of fire at the Hawes  
9 composting site, the attending Waste Board members  
10 supported the permit despite strong Hinkley and Barstow  
11 area opposition.

12 One Board Member said she visited the site and  
13 described it as "remote," and approved of its location  
14 despite information given her by Hinkley and Barstow area  
15 citizens' testimony, describing high winds capable of  
16 transporting dust, fire, and contaminants from the planned  
17 massive open-air site.

18 I warn the CIWMB that viewing an area impacted by  
19 12-plus years of drought will not give you a true  
20 assessment of the real fire dangers, especially if you  
21 visited on a wind-calm day.

22 Believing any DEIR or EIR completed in regards to  
23 this Hawes site during this drought sequence would also be  
24 a mistake, in my opinion.

25 During years of past heavy rain, I have stood at

1 the area of the Hawes site. And it, and the entire  
2 surrounding region, was covered by waist-high dry mustard  
3 weed by summer. I am sorry, but sprinklers, water wells,  
4 hoses, water trucks, new fire engines, or bucket-armed  
5 helicopters can eliminate the fire danger the planned  
6 open-air Hawes compost site will create, in my opinion.

7           Thirty- to sixty-plus-miles-per-hour winds common  
8 to the Hawes site will ensure this danger will potentially  
9 spread and only halting the Hawes project and demanding  
10 its complete enclosure will solve the problem.

11           Please, I ask the CIWMB to deny a permit from the  
12 Nursery Products LLC composting site at Hawes, California,  
13 for the health and safety of the citizens of Hinkley and  
14 Barstow, California, and the surrounding homes and  
15 community.

16           I would like to sign off by saying, I thought it  
17 was interesting, at the beginning of this, the mention of  
18 the 18 people at the one meeting we had, and no mention of  
19 the other meetings and how many were at those meetings.

20           There has always been about 20 people  
21 representative of the people going to most of the  
22 meetings. But as far as the other meetings, there have  
23 been 50-plus, 100-plus, even 200-plus. I just like to  
24 make that straight.

25           Thank you.

1           MR. BELL: Francis Church followed by Sandra Hill  
2     Diaz.

3           MR. CHURCH: Good morning, Board President.

4           I would -- I'm Francis Church. I live in Barstow,  
5     in the fly zone. And I wanted to say something about Mark  
6     Orr, who is up here.

7           You know, you take testimony from the public and  
8     you don't know their qualifications. Mark Orr has a  
9     degree in environmental studies.

10          Now -- excuse me, I'm so emotional about this  
11     situation that sometimes it gets over --

12          Anyway, I sent you messages at 2:30, not really  
13     timely. But my message was, the point of the LEA who  
14     passed this said, everything's all right. But their  
15     testimony is flawed. You would be counting one through  
16     ten, going one, three, six, eight, ten. That doesn't make  
17     sense either. But that's the LEA's conclusions.

18          The words that I said to you are before the EPA.  
19     Current EPA administration is in effect. I sent you  
20     everything I could find on the pathogens distribution in  
21     various areas that have been effected by the EPA. The  
22     current EPA thinks sludge is fine. You could take a bath  
23     in it. Thank you, I don't want to.

24          Now, so my point is, the EPA EIR is flawed.  
25     Again, we're counting with missing numbers. The message I

1 was trying to make is the -- everything the EIR says has  
2 this flawed methodology, and it seems to be the Nursery  
3 Products saying this information.

4 Now, let's just -- my final point in what I'm  
5 going to say is that I know this doesn't crop up on your  
6 list of things to judge this proposal on. But we're  
7 talking about fire control, which is going to be limited.  
8 And the last item for your consideration, it affects that  
9 fire control. And when I say desert, what's the first  
10 thing that pops into your mind? I hope it's water,  
11 because that's a very important subject to here us here in  
12 the desert. You cannot exist very long without high water  
13 in the high desert, although I spelled it "hide" desert.  
14 You have to live with that. Where do we get our water?  
15 One source is Big Bear Lake. Two is water that flows from  
16 the underground streams from the north mountain ranges.  
17 And L.A. County keeps scooping that up.

18 And then there's rain. (Speaker's comments  
19 through Webcast were unintelligible) in the high desert,  
20 and when it happens, it's a deluge, a flash flood. That  
21 mountain that NP LLC wants to put their open-air sludge  
22 factory on is a source of rain runoff. They say they are  
23 already using 160 acres. But that equates to 160-acre  
24 feet of water. When it happens, there's a lot of water in  
25 the high desert falls.



1           (Speaker's comments through Webcast were  
2   unintelligible) -- wants to trap the rain and use it,  
3   possibly for pest abatement. They want to dig in the  
4   place they go to fight the fire that might happen to their  
5   compost crops. They want to use 365,000-plus gallons of  
6   my precious water in the -- (speaker's comments through  
7   Webcast were unintelligible) by bringing the sludge  
8   factory to the high desert. Don't make sense to me.

9           We are trying to -- (speaker's comments through  
10   Webcast were unintelligible) -- from down below, with  
11   400,000 tons of material that will blow in our incessant  
12   wind. Using that water with the project that does no  
13   good, for the -- (speaker's comments were cut out during  
14   Webcast) -- betterment of all. This sounds totally insane  
15   to me. And I hope it does to you when you vote no to the  
16   permit.

17           Thank you.

18           (Applause.)

19           MR. BELL: Sandra Hill Diaz followed by Jessie  
20   Orr.

21           MS. DIAZ: Hello. I am Sandra Hill Diaz and I was  
22   born here in Barstow.

23           And in the '40s -- I think what I can do, how I  
24   can add to everybody's take on this is a little history.  
25   Just concentrated on this stuff that was there, that was

1 flushed and poured and put into the system -- when it gets  
2 here and it's compost here, it's going to make it better.  
3 Kern County didn't want it. Arizona didn't want it. And  
4 they have their reasons. And I just think that it's time  
5 to stop, spend the money, take care of this growing -- can  
6 be counted as a resource, whether it makes compost or  
7 whatever, take care of it in a way that it is good for our  
8 future and our environment.

9 Thank you very much.

10 (Applause.)

11 MR. BELL: Jessie Orr followed by Betty Hulen.

12 MS. ORR: I hope I use this right.

13 My name is Jessie Orr and I have lived at 36714  
14 Hidden River Road in Hinkley for 34 years.

15 And we do live in a rural community. But you  
16 know, when I listened to the meeting last Monday, I came  
17 to the meeting and we were supposed to have a  
18 teleconference. So we didn't talk back to them and ask  
19 questions. And it didn't work out that way.

20 There was one lady who made the statement that she  
21 drove and she didn't say from where. In fact, her name is  
22 Rosalie Mulé. I know that because I called the office, or  
23 my son did, to find out who the lady was.

24 And she said that she drove and thought she would  
25 never get there, it was so remote. But I wanted to ask

1 her so badly, did you -- (speaker's comments through  
2 Webcast were unintelligible)? Did you make a right turn  
3 and go to Hinkley? Did you go to Barstow? You see how  
4 close to home it is from that direction. Yes, it is  
5 remote from the other direction if you came from  
6 Sacramento. But I couldn't ask her that.

7           So that's one of my questions for her today. And  
8 also, when the spokesperson for the LEA today said that  
9 there was a meeting in Hinkley in February 2006 and there  
10 were only 18 people from Hinkley there, or wherever they  
11 were from, most of us did not know that meeting. I don't  
12 know where it was advertised, if it was in the paper. I  
13 didn't read it. And I usually know about everything that  
14 goes on. I'm very busy in the church. And I know a lot  
15 of people. So we did not know about that meeting. But we  
16 found out, in May of 2006, what was happening to us. And  
17 that's when Norman Diaz started having the meetings and  
18 we -- he organized helphinkley.org, and we've had lots  
19 more people than that.

20           Also, when we went to the first board of  
21 supervisors meeting in San Bernardino, we had over 200  
22 people -- (speaker's comments through Webcast were  
23 unintelligible) -- plus many others who drove. So we have  
24 had a lot of people that can't make it. A lot of them  
25 work.

1           But I would just like to say that we have been  
2   fighting this since May 2006, to get them to either not  
3   put this facility in or enclose it.

4           And I would ask you today to please listen to us.  
5   Somebody has to listen, somewhere. This has been our  
6   question from the very, very beginning. Don't put it in  
7   or enclose it. We don't care if you enclose it because  
8   that would solve the problems, we think.

9           Now, they keep referring to the facility in Austin  
10   as being one that they are -- I don't know what you call  
11   it. The one that they are copying or whatever.

12           That facility is completely different than what  
13   they are putting out here. I know. My son lives in  
14   Austin. We checked into it. My other son called, Mark.  
15   He's been very busy helping with this. And he called and  
16   got a lot of information. It's not anything like what  
17   they are planning out here.

18           So please, I just ask you again today, have them  
19   cover it or don't give them the permit at all.

20           And I thank you.

21           (Applause.)

22           MR. BELL: Betty Hulen followed by Mark Isaacson.

23           Betty passes. So Mark Isaacson followed by Jim  
24   Perkins.

25           MR. ISAACSON: Mark Isaacson, Barstow, California

1 1317 Kelly Drive.

2 I appreciate the effort that this Board and all  
3 the people that have put out. There's a thing that people  
4 haven't thought about. If they are only going to allow 87  
5 trucks per day, till 8:00 p.m., what about these trucks  
6 that showed up after 8:00 p.m. and dump on the desert dirt  
7 roads in the area? There's hundreds of miles of dirt  
8 road.

9 My wife and I have been participated in several  
10 volunteer efforts to clean up the desert with different  
11 groups. We also volunteer several times a day on  
12 Adopt-a-Highway, picking up trash on the side of the  
13 highway.

14 There's so much illegal dumping from trucks that  
15 arrive in this area. If they know there's a disposal site  
16 up here and they get up here and the gate is closed, do  
17 you think they are going to haul it all the way back down  
18 the hill, eighty, ninety, a hundred miles? No, they are  
19 going to drive a couple miles down one of those dirt roads  
20 in Hinkley, possibly even dump it in somebody's yard.

21 Thank you.

22 (Applause.)

23 MR. BELL: Jim Perkins?

24 (Unidentified male's comments were  
25 unintelligible through Webcast.)

1           MR. BELL: Sure, go ahead.

2           UNIDENTIFIED MALE: For many years, I've operated  
3 a Skip Dump Truck Service in town. And I cannot tell you  
4 how many houses I've cleared the sand away so they could  
5 get in and out of their driveways.

6           I used to have the mother's several times a day.  
7 The sand would pile up 3 or 4 feet in her driveway.

8           Thank you.

9           MR. BELL: Jim Perkins followed by Judy Miller.

10          MR. PERKINS: My name is Jim Perkins. I live at  
11 44041 Orchard Road in Hinkley.

12          Throughout the testimony, the Nursery Products has  
13 indicated that this project is safe. I would like to  
14 remind the Board that two years ago, people were reminded  
15 that the levees in New Orleans were safe. Three Mile  
16 Island was judged safe. And just recently, a bridge in  
17 Minneapolis was judged safe.

18          I would like the Board to think about the fact  
19 that the public furor that has come out of these three  
20 items, the political furor that has come out in these  
21 three items. In light of what Norm brought up, that the  
22 desert can do, in its rainstorm, significant damage.  
23 Unfortunately, Mother Nature doesn't know how to read a  
24 computer, so the computer models don't always fit a sudden  
25 rainstorm.

1           And remember this, that when a tragedy does  
2   happen, and it can, and it will, the first question is  
3   going to be asked, as it's being asked now on the bridge  
4   of New Orleans who approved this.

5           And if you approve it, your names will be the ones  
6   that will be on that approval list.

7           Thank you.

8           MR. BELL: Judy Miller followed by Edna Later.

9           MS. MILLER: Hi. My name is Judy Miller, and I am  
10   a resident of Hinkley. Thank you for listening to us  
11   today.

12           I want to thank Mr. Joe Gomez for his fine  
13   representation and presentation on our behalf. Thank you  
14   to everyone who has spoken here today; a very big thank  
15   you to Norm Diaz and his wife, Peg, for all their  
16   self-sacrifice and work on our behalf.

17           Yes, we are a very small, rural, community. The  
18   only thing we can do to fight this is to unite together  
19   and test our government process. That is where you come  
20   in.

21           I strongly oppose this uncovered sludge facility.  
22   Our health is most important to us, the men, women, and  
23   children of Hinkley. I pray you listen to us and please,  
24   please, vote against having this dump as proposed.

25           I am in agreement with everything my fellow

1 colleagues have said here today.

2 Thank you.

3 MR. BELL: Robert Conaway followed by LaDonna  
4 Akin.

5 MS. LATER: Hi. My name is Eda Later, and I'm a  
6 resident of Hinkley.

7 And I'm very honored to be able to address this  
8 Board of our feelings. But I just want to not take up  
9 very much of your time. And I just want to tell you that  
10 in light of the foregoing comments and the facts against  
11 an open-air facility like Nursery Product's, that I  
12 implore your to deny a permit for this project.

13 Thank you.

14 (Applause.)

15 MR. BELL: Robert Conaway followed by Donna Akin.

16 MR. CONAWAY: My name's Bob Conaway, 22562  
17 Aquarius Road in Hinkley.

18 A couple of things come to mind, and I'm not going  
19 to repeat a lot of things that are going on. But this  
20 really comes down to a question of environmental justice  
21 and discrimination. We're dealing with a small community  
22 with a lot of retired folks and disabled folks, some young  
23 families.

24 We're dealing with a community where 30 percent of  
25 the community is Hispanic. And the interesting thing that



1 Paula Harold did in her presentation, when someone spends  
2 in the governmental agency a lot of time on something,  
3 they know it's a soft underbelly. They went through all  
4 these public participation meetings. But you know what?  
5 None of them were ever given in Spanish; no notices were  
6 ever published in Spanish; no outreach was made to anyone  
7 that was Spanish.

8 And when you have, according to the principal --  
9 and this is a matter of the public record that the LEA  
10 has, the principal says that 30 percent of its kids cannot  
11 speak any English in his school -- and the school is one  
12 of the primary locations to which public notices were sent  
13 to various members of the community -- this is dangerous.  
14 This is discrimination. This is arrogance. This is the  
15 impacted community, a significant impacted community, is  
16 not being given an opportunity to participate. They're  
17 not being communicated with.

18 And if you look at this room, you're not going to  
19 find -- and in this room and any other prior meeting -- a  
20 significant presence, much less participation, of anybody  
21 of Hispanic origin. And I think that's really, really  
22 important, because this is the issue that this Board needs  
23 to concern itself with, because have they complied with  
24 CEQA? There was a case in Kettleman City, and I'm sure  
25 this Board is well aware of it; I'm sure general counsel's

1    aware of it.  When a United States district court judge  
2    reversed CEQA approval because it did not give notice to  
3    the Hispanic community.  This is a defective process.  It  
4    is dead on arrival.  If you approve this -- you are  
5    approving this, you're a strong arming in a minority  
6    community that is lot even being contacted, much less  
7    represented.

8               Secondly, this is discrimination, because you --  
9    if you adopt this today, you will be dropping the  
10   standards that everybody else in the state of California  
11   is being protected by.

12              Now, we heard from the Center on Environmental  
13   Race [sic] and Poverty, that the fire standards are being  
14   affected.  But another one that's really important is  
15   called BACT, BACT, Best Available Control Technology.

16              The California State Air Resources Control Board  
17   says it has to be an enclosed facility with biofilters so  
18   that what?  So that we don't get the PM10s, we don't get  
19   the VOCs, we don't get the problems with vector control  
20   problems.  And in order for this Board to adopt this, and  
21   in order for this LEA to solve this, they have actually  
22   changed the law, folks.  Look at what they are saying in  
23   the LEA submission.

24              They are using the word "reasonably available  
25   controlled technology."  That's not the law.  They have

1     invented new law and they have said that there are  
2     complaints with the law. Yet, it's clear from the  
3     California Air Resources Board that they have not, because  
4     it is not the best available control technology.

5             Now, why did this happen? I will tell you why  
6     this happened. Because when this facility was objected to  
7     in Adelanto, they went prior to the board of supervisors,  
8     who at that time was chaired by Bill Postman [phonetic]  
9     and his chief of staff was Mr. Brad Mitzenfeld, we said  
10    "Where are we going put this? Where are we going to put  
11    this?" Obviously, we can't leave it in Adelanto. The  
12    chosen location was the Hinkley area.

13            So this is an agenda item that had been  
14    unagendized for a long time. It's probably a Brown Act  
15    violation on top of it, because you are having decision  
16    making and interaction with a political contributor to  
17    find a location to site this. This entire process is  
18    tainted. It's dirty. It needs to be rejected. Because  
19    you cannot create a lower standard for a poor community.  
20    And that's what you would be doing by rejecting the  
21    California Air Resources Board's best available technology  
22    requirement.

23            And I don't care if you think this isn't part of  
24    your obligations. It is clearly because it has to do with  
25    CEQA. It has to do with compliance with the laws. It has

1 to do with whether or not the report is complete and  
2 correct. Because if they are using their own standard,  
3 the reasonably available control technology, because it  
4 costs the polluter too much money, that's wrong. And  
5 that's creating a discriminatory, substandard approach to  
6 how rural communities in California are going to be  
7 treated by the state.

8 I know that this governor, from what conversations  
9 I've had with this staff, does not approve of this type of  
10 thing. And I'm sure the governor's office is closely  
11 watching in.

12 I would hope that you would reject this  
13 application, send it back to the LEA with the appropriate  
14 instruction to follow the law, follow the California Air  
15 Resources Control Board's standards, make them follow the  
16 best available technology, make them have the finest  
17 standards that we need, protect the community. Don't pick  
18 on them because they are poor and have a lot of Hispanic  
19 citizens.

20 (Applause.)

21 MR. BELL: The last presenter is La Donna Akin.

22 MS. AKIN: My name is La Donna Akin, I live in the  
23 surrounding area of Hinkley, not right in Hinkley.

24 But I just wanted stand in agreement with  
25 everybody who spoke here today except -- (speaker's

1 comments were cut out during Webcast) -- covered, I just  
2 don't want it there at all.

3 I get these -- (speaker's comments were cut out  
4 during Webcast) combustible material.

5 Do we want -- (speaker's comments were cut out  
6 during Webcast) -- that's going to burn up or blow up in a  
7 post-9/11 world? I don't. My mom says I'm a little  
8 paranoid. But I still don't want 160 acres of anything  
9 that will burn that quickly, especially with only with a  
10 half an hour of water.

11 But back to the Google alerts. Now, I'm sure that  
12 you -- (speaker's comments were cut out during Webcast) --  
13 that everything is safe and so they went to Colorado for  
14 the college there. And they said we'll put it on the  
15 ground -- (speaker's comments were cut out during  
16 Webcast).

17 (The Webcast lost connection.)

18 CHAIRPERSON BROWN: I would like to ask staff to  
19 address some of the issues that were raised by our  
20 speakers, specifically relative to the fire issue, dust  
21 control measures that are necessary, odor management --  
22 probably the LEA -- and then we'll go to questions from  
23 the Board.

24 Are you ready, Dianne?

25 MS. OHIOSUMUA: Just gave me a few seconds.

1           COMMISSIONER DANZINGER: Do we have clarification  
2 on the audio? When we were only on an audio link, it was  
3 a little choppy.

4           CHAIRPERSON BROWN: At this time, we need to take  
5 a break just for time for our court reporter and the  
6 Board. So why don't we take a five-minute break.

7           I'm going to let you get prepared to respond to  
8 some of the issues that I addressed related to that. I  
9 would like the LEA prepared to come up when we come back  
10 and address these issues -- your jurisdiction and your  
11 odor management plan, and what you're intending to do.  
12 And then we'll start taking questions from the Board.

13           So we'll take a five-minute break and be back here  
14 and ready to charge forward.

15           (Thereupon a break was taken in  
16 proceedings.)

17           CHAIRPERSON BROWN: If we could reconvene so that  
18 we can -- hey, John Bell down in Barstow we're going to  
19 reconvene up here, back in Sacramento. And we would like  
20 to have the last speaker, I believe it was La Donna Akin.

21           There was some communication difficulties, and we  
22 were not able to hear her testimony. If we could invite  
23 her back to do her comments again so that the Board has  
24 the benefit of her input, that would be great.

25           MS. AKIN: I didn't come with a prepared

1 statement. I said what I said from the heart. I really  
2 am sorry you guys didn't hear it.

3 Basically what I said was that I strongly oppose  
4 this, and I ask you to do the same. I said that I agree  
5 with everything that everybody said here except that I  
6 don't even want it covered; I just don't want here.  
7 (Speaker's comments through Webcast were  
8 unintelligible) -- proven themselves to be trustworthy.  
9 In fact, they've proved to be just the opposite.

10 I think one of the things that I said was that I  
11 hadn't realized that this was going to be combustible.  
12 And I don't feel safe having 160 acres of chemical  
13 material on one spot, anywhere.

14 And I ask you to search your hearts and see if you  
15 really think this is a good project. I don't think that  
16 it is a good project; I never thought it was a good  
17 project. I remember the first time I heard of it, and  
18 then I did the research and then I was really against it,  
19 which is why I am here today. And that's pretty much all  
20 I can remember is what I said.

21 (Speaker's comments through Webcast were  
22 unintelligible) -- not to give them a permit. So listen  
23 to the people that live her. Okay?

24 And I was just reminded of something else that I  
25 said. On the Internet, I have the Google alerts that I

1 get. And I get at least five to ten of those a day of  
2 things that have went bad with these composting units.  
3 You know, it's always the smell or the PM10s the PM2  
4 particles, the VOCs. And I'm sure that you know about all  
5 those.

6 And I did think that you were pretty sure that you  
7 were aware of all the problems with these composting  
8 facilities. And being aware of that, I'm asking you not  
9 to -- not to give them a permit. I'm asking that you have  
10 mercy on us and ask that we do something ethical here and  
11 deny their permit.

12 And I thank you for your time.

13 Thanks. Bye.

14 (Applause.)

15 CHAIRPERSON BROWN: Thank you.

16 Now, we'll have staff respond to some of the  
17 issues that were raised by some of your speakers down in  
18 Barstow.

19 MS. OHIOSUMUA: Thank you.

20 The first issue that I would like to respond to  
21 pertains to fire protection. I would have to refer to the  
22 RCSI, which is the Report of Composting Facility  
23 Information -- Site Information and what the operator has  
24 indicated to how they will address fire.

25 Keeping in mind that the regulations in Title 14



1     only pertain to fire control at the composting facility,  
2     fire protection is under the authority of the local fire  
3     department. And the LEA would only enforce the part that  
4     has to do with Title 14. We cannot enforce the fire  
5     protection which is under the authority of the local fire  
6     department.

7             According to the RCSI, a fire protection water  
8     system will be designed to -- on the NFPA 1142 standard.  
9     And it will be operational prior to compostable material  
10    being placed on the site.

11            The system will provide an approved water supply  
12    with a minimum fire flow of 1,500 gallons for 30 minutes.  
13    It will include a 5,000-gallon water tank that is approved  
14    and inspected by the fire department. There will be  
15    52 feet of cleared land, will be maintained along the  
16    perimeter of the site operations to act as a fire barrier  
17    or a break. There will be a business emergency  
18    contingency plan that will be developed and submitted to  
19    the county and local fire department prior to commencing  
20    operations.

21            The BEP, which is the Business Emergency  
22    Contingency Plan, will include all fire prevention,  
23    protection, and control measures for the facility. The  
24    operator has indicated that they will comply with that  
25    plan.

1           The temperature of the windrows and the piles are  
2   monitored during the active composting process where  
3   temperatures are the highest. Fire lanes will be provided  
4   to allow fire control equipment access to all operational  
5   areas.

6           I do know that the -- that the public in the  
7   remote location did mention about -- they had read about  
8   composting facilities catching on fire. I do not know  
9   what type of composting facilities those were. There are  
10  many different types of feed stock. And in this  
11  particular situation, we are talking about a biosolid,  
12  which has a tremendous amount of water being mixed with  
13  green material. I do not have any data at this time to  
14  say how many of those types of facilities have caught on  
15  fire, but I would at least like to mention that.

16           MEMBER CHESBRO: I heard some other specific  
17  things mentioned by the testimony that I would like to  
18  hear a response to. One was that we are not requiring  
19  that the water be able to be accessed for the entire site.  
20  I suppose that refers to the question of hoses or some --  
21  whatever means of delivering the water they have.

22           Is there any requirement that says that the water  
23  has to be deliverable to whenever the fire is anywhere on  
24  the site?

25           MS. OHIOSUMUA: As I mentioned before, that will

1 be something that the local fire department would address.

2 MEMBER CHESBRO: Do we have a standard that says  
3 that the amount of water is designed to fight a fire that  
4 goes on for 30 minutes?

5 MS. OHIOSUMUA: We do not have a standard.

6 MEMBER CHESBRO: Could you over again the amount  
7 of water per minute and the -- and the total size of the  
8 tank? We could probably calculate that easily.

9 CHAIRPERSON BROWN: Maybe that's a question that  
10 we should direct to Michael Bledsoe from our legal  
11 department who can let us know exactly what our  
12 regulations stipulate per requirements.

13 STAFF COUNSEL BLEDSOE: Thank you, Madam Chair.  
14 Michael Bledsoe from the legal office.

15 If I can just read the state minimum standard that  
16 applies to fire control at compost facilities. It's found  
17 in Title 14, Section 17867(a)(8): "The operator shall  
18 provide fire prevention, protection, and control measures  
19 including but not limited to temperature monitoring of  
20 windrows and piles, adequate water supply for fire  
21 suppression, and the isolation of potential ignition  
22 sources from combustible materials. Fire lanes shall be  
23 provided to allow fire equipment control access to all  
24 operationed areas."

25 So that is the extent --

1           MEMBER CHESBRO: So it doesn't specify how much  
2 water or for how long the fire should be -- that the water  
3 should be capable of fighting the fire?

4           Well, there was also a statement made that in  
5 previous approvals, the Board has required six times as  
6 much water.

7           I don't know if that's the case or not. But that  
8 was the statement.

9           Do we know if that's the case?

10          STAFF COUNSEL BLEDSOE: Yes, Mr. Chesbro.

11          In the letter that Ms. Brostrom provided, and in  
12 her testimony today, she cited a standard, I believe, of  
13 2,000 gallons per minute as being -- and the requirement  
14 that there be a minimum standard met of 1,000 gallons per  
15 minute for at least three hours.

16          That standard applies at waste tire -- major waste  
17 tire facilities, not at compost facilities.

18          So there's an erroneous reference there.

19          MEMBER CHESBRO: So okay. So to your knowledge --  
20 to your knowledge, we have not required that greater  
21 amount of water for another compost facility comparable to  
22 this?

23          STAFF COUNSEL BLEDSOE: I don't have any specific  
24 knowledge of what LEAs might have provided at other  
25 compost facilities.

1           MEMBER CHESBRO:   Okay.

2           If the standard is so broad to just say that water  
3   must be supplied, how is the amount of water that needs to  
4   be supplied determined?  Do we consult with the local fire  
5   agency?  How do we come up with the number that is in this  
6   permit if it's -- if it's not specified in the standards?

7           CHAIRPERSON BROWN:  Is that a question the LEA  
8   would like to address regarding your fire suppression and  
9   what other agencies you work with, for example, the fire  
10  control district?

11          MS. OHIOSUMUA:  Within the environmental document,  
12  under the mitigation measures, it does identify which  
13  agencies will be responsible for fire protection, and the  
14  LEA is listed as well as the local fire department.

15          MEMBER CHESBRO:  That doesn't answer my question.

16          How do we set the standard that is in the permit  
17  now?

18          CHAIRPERSON BROWN:  How do we address what  
19  adequate fire suppression is?  Because the regulation only  
20  says adequate fire suppression.  So how is that  
21  determined?

22          STAFF COUNSEL BLEDSOE:  Madam Chair, if I might.  
23  Michael Bledsoe from the legal office.

24          I think what the Board needs to hear, to answer  
25  Mr. Chesbro's question is, in the Report of Composting

1 Site Information, the RCSI, the operator specifies how  
2 various operational, you know, methods will be taken out  
3 at the facility.

4 And the operator has a couple of -- three  
5 paragraphs on fire prevention.

6 Ms. Ohiosumua summarized a portion of that. I'd  
7 like to read -- that's on page 8 of the -- 8 and 9 of the  
8 RCSI. If I could just summarize those key things, because  
9 the answer to the question is really is that the LEA  
10 looked at this fire prevention section in the RCSI and  
11 determined that it satisfied our state standard.

12 Then our staff came along behind them, when we're  
13 determining whether the facility will meet state minimum  
14 standards, and does the same thing, reviews what the RCSI  
15 says and our standard and determines whether or not it's  
16 sufficient. And they have recommended it is sufficient,  
17 although ultimately that decision is the Board's decision  
18 as to whether that's sufficient.

19 MEMBER CHESBRO: That doesn't tell us whether the  
20 amount that's been proposed is adequate, and that the --  
21 for example, if the applicant -- the applicant has  
22 proposed half as much water, would we have considered that  
23 adequate?

24 I mean, just curious how we determine what is  
25 enough water to fight the kind of fire that's possible in

1 a compost pile.

2 STAFF COUNSEL BLEDSOE: Well, unless staff  
3 corrects me, we don't have a scientific standard specified  
4 in the state regulations that would answer that question.  
5 But the LEA and subsequently our staff have reviewed the  
6 operator's proposed operation for fire control and has  
7 determined that it is satisfactory.

8 MEMBER CHESBRO: And do we consult with the local  
9 fire authorities on a question like that?

10 MS. OHIOSUMUA: There could be.

11 Could the LEA come up to address that, please?

12 MEMBER CHESBRO: The only reason I say that is,  
13 even though you're right, there's a lot of moisture in the  
14 piles, it's also local conditions would help to determine  
15 a question like that. And it's a very, very dry  
16 environment, as we all know, in the desert. And so how  
17 long that moisture maintains when those piles are there  
18 for long periods of time, I don't know.

19 MS. HAROLD: We have consulted with the county  
20 fire department and we felt that, you know, that was fair  
21 jurisdiction. We did take into consideration the distance  
22 between the piles and had the operator increase that  
23 distance. But other than that, for the water supply, as  
24 Michael had indicated, that we felt that what they had in  
25 their RCSI was adequate.

1           MEMBER CHESBRO: And we didn't have -- you didn't  
2 have any approval or direct communication from the county  
3 fire officials as to whether that was a sufficient amount?

4           MS. HAROLD: No, because we felt that the operator  
5 would be contacting them and get their appropriate  
6 approvals.

7           CHAIRPERSON BROWN: You "felt that," or is that  
8 required as part of their operations?

9           MS. HAROLD: That is required --

10          CHAIRPERSON BROWN: Okay.

11          MS. HAROLD: -- prior to operations.

12          CHAIRPERSON BROWN: So it is required of the  
13 operator or prior to starting, and commencing, operation,  
14 that they receive a permit of adequacy from the fire  
15 department?

16          MS. HAROLD: Correct.

17          CHAIRPERSON BROWN: Thank you.

18          That one statement answers the whole question.

19          Council Member, did you have a comment?

20          MR. GOMEZ: Thank you very much.

21          I am familiar with that area.

22          And I think the question is the source of the  
23 water and the good neighbor policy that I was talking  
24 about. First of all, they would have to call the Hinkley  
25 Volunteer Fire Department if there was a fire. And I



1 don't know if they have adequate resources to fight such a  
2 fire. The next fire department is within the Barstow Fire  
3 District, which is 13 miles away. So if you have a  
4 two-way road on Highway 58, the access getting to the  
5 fire -- and it will take a lot more than 1500 gallons of  
6 water.

7 Thank you.

8 CHAIRPERSON BROWN: Thank you.

9 Member Danzinger, did you have anything more?

10 MEMBER DANZINGER: Yes, just a quick question on  
11 this.

12 In the statement of overriding considerations, the  
13 finding includes a statement that, you know -- the finding  
14 that the project will not result in the need for  
15 additional fire protection services and existing  
16 facilities are adequate to serve the project, that  
17 statement does not in any way tie the hands of the fire  
18 marshal when -- during their permitting stage of the  
19 process; correct? I mean, they still retain ultimate  
20 authority for saying, "Okay. This is what I think you  
21 need, and, you know, you're going to need to ramp it up  
22 here and there," and to meet, you know, whatever needs  
23 that they identify; correct?

24 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:  
25 That's correct.

1           MEMBER DANZINGER: Thanks, Ted. That's fine.

2           PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

3   The permit is very clear that the facility has to have  
4   approval from the county fire district to operate at  
5   minimum standards.

6           CHAIRPERSON BROWN: Thank you, Ted.

7           Do any other Board members have any questions  
8   relative to the fire issue, fire suppression adequacy of  
9   water on the site?

10          MEMBER CHESBRO: The only other question that came  
11   up that is somewhat related is about containing runoff in  
12   the case of a fire.

13          And I presume that that would be addressed in the  
14   Regional Water Quality Control Board's permit for this  
15   facility?

16          CHAIRPERSON BROWN: I believe that is their  
17   jurisdiction; is that correct?

18          MS. OHIOSUMUA: That is correct.

19          CHAIRPERSON BROWN: Thank you.

20          MS. OHIOSUMUA: Okay. Dust control. We do have a  
21   standard that talks about dust control. However, we do  
22   not have a standard that discusses air quality.

23          The air quality is something that's under the  
24   authority of the local Mojave Desert AQMD. Mojave Desert  
25   AQMD does have a general rule that has to do with the

1 nuisance that regulates the migration of dust and limits  
2 dust to be maintained on site.

3 The operator is aware of that rule, and, as far as  
4 I know, will make every effort to comply with that.  
5 Otherwise, the Mojave Desert AQMD will be forced to issue  
6 a violation to them.

7 As far as our standard is concerned, I will also  
8 have to refer to the RCSI to address dust control. It  
9 talks about every effort being made to control dust during  
10 high wind episodes. Prior to turning the windrows, the  
11 wind speed will be checked and logged. There will be no  
12 turn of the piles when the wind exceeds 35 miles per hour.  
13 Water will be mist or sprayed on to the windrows if dust  
14 is being generated during the turning of the windrows to  
15 control the creation of air -- I mean, of dust.

16 There is a small berm. There is fencing that  
17 would reduce the wind, according to the RCSI. And as  
18 needed, a water truck is used to apply water as a dust  
19 suppressant.

20 The entryway and the path have been overlaid with  
21 crushed rock. If dust is generated on site that could  
22 migrate off the property, or if dust is generated on  
23 unpaved access road, additional crushed rocks will be  
24 added and roads will be sprayed with water.

25 That is what is currently in the RCSI that

1 addresses dust control at the site.

2 CHAIRPERSON BROWN: Question, Dianne. Who  
3 monitors the wind speed? Does the operator do that?

4 MS. OHIOSUMUA: Yes.

5 CHAIRPERSON BROWN: And that's part of the log  
6 that the LEA checks? And did that -- at what level  
7 aboveground -- you mentioned there is a fence around  
8 there. At what level above ground are they monitoring the  
9 air temperature or wind speed?

10 MS. OHIOSUMUA: I will ask the operator to come to  
11 address that.

12 CHAIRPERSON BROWN: You need to state your name  
13 for the record, please.

14 MR. SEENEY: Chris Seeney from the unincorporated  
15 area of San Bernardino County. And I'm an employee of  
16 Nursery Products.

17 CHAIRPERSON BROWN: Thank you.

18 MR. SEENEY: There will be a unit on top of the  
19 trailer, so I would say 10 to 12 feet aboveground, that  
20 will monitor the wind speed, the wind direction, and the  
21 temperature in five-minute increments.

22 CHAIRPERSON BROWN: Okay. How high is the fencing  
23 around the property, or around the operation? Just  
24 curiosity.

25 MR. SEENEY: Probably 6 to 8 feet.

1           CHAIRPERSON BROWN: So the monitors will be above  
2 the height of the fence which is surrounding the  
3 operation?

4           MR. SEENEY: Correct?

5           CHAIRPERSON BROWN: And do you turn in sustained  
6 winds below 30 degrees [sic] or gusts?

7           MR. SEENEY: I believe our plan is to, you know,  
8 check the wind speed prior to even beginning turning and  
9 monitor it. If it's, you know, at or near -- above or  
10 near 30 miles per hour, we will not turn.

11          CHAIRPERSON BROWN: During gusts or sustained  
12 wind? Because I think that's important. It was raised  
13 several times that there is sustained winds that are, you  
14 know, at 20 miles an hour, but there can be gusts well  
15 above that, which could significantly -- their concern, be  
16 just as detrimental as sustained winds.

17          So your plan is --

18          MR. SEENEY: -- to check the monitoring system.  
19 If there's gusts above 30 miles per hour, we will not turn  
20 in that situation.

21          CHAIRPERSON BROWN: Okay.

22          Thank you. Does anybody else have any questions  
23 regarding....

24          Okay. Thank you.

25          Any other questions from Board members on dust

1 control for the operator?

2 Member Peace?

3 COMMITTEE MEMBER PEACE: If the sludge still needs  
4 to be cooked, in order to destroy the pathogens, are the  
5 things that are in place, is that going to be good enough  
6 to keep those pathogens from migrating off site during the  
7 high winds? Is that -- do they have the best available  
8 technology in place to control that? Did the operator and  
9 LEA ever discuss composting blankets or tarping or any of  
10 those types of things? And would that control the dust  
11 and the pathogens better than just having them open?

12 CHAIRPERSON BROWN: That may be a question that we  
13 should have the LEA respond to.

14 Is that what you are asking, Cheryl, about what  
15 they have discussed with the operator?

16 MEMBER PEACE: Yeah. They talked about best  
17 available technology.

18 Is there any other better technology that would  
19 keep the dust down, like composting blankets or tarps?

20 MS. HAROLD: We had discussed that with the  
21 operator, but according to their operation and what they  
22 have described, we felt that them -- when they received  
23 the biosolids and incorporated the green material and all  
24 the other mitigation measures regarding the wind speed and  
25 turning and also adding or misting the piles, we felt that

1 those measures would adequately address dust, which would  
2 lead to carrying, potentially, the pathogens that you are  
3 talking about.

4 MEMBER PEACE: Kind of concerns me, when I heard  
5 there could be winds up to 65 miles an hour going through  
6 there.

7 Is it really adequate to keep the dust and the  
8 pathogens from migrating off the site?

9 MS. HAROLD: They wouldn't be allowed to turn if  
10 the wind speed is above 30.

11 MEMBER PEACE: Can 65-mile-an-hour winds carry  
12 some of that stuff?

13 MS. HAROLD: I don't even know of some studies  
14 that have been done regarding that issue.

15 CHAIRPERSON BROWN: Any other questions?

16 Okay.

17 MEMBER CHESBRO: On dust or in general?

18 CHAIRPERSON BROWN: On dust.

19 Okay. We'll just keep going through the list of  
20 issues. That does dust for us right now.

21 The next two are interrelated. But let's do odors  
22 and flies. Let's start with odors, odor control measures.

23 MS. OHIOSUMUA: Just give me one second, please.

24 CHAIRPERSON BROWN: Maybe the LEA wants to address  
25 the odor management plan and their -- the issue of odor.

1           MS. OHIOSUMUA: Yes, and that is a part of the  
2   RCSI, the odor management plan.

3           CHAIRPERSON BROWN: Okay. Thank you, Dianne.

4           MS. HAROLD: As Dianne has indicated, they were  
5   required to submit an odor impact minimization plan within  
6   their RCSI.

7           Basically, in the OIMP, what they call it for  
8   short, they address odor monitoring. And as they  
9   indicated in their document, the method that they will  
10   utilize to assess odors is, each day the operator will  
11   evaluate the site by walking the facility for any release  
12   of objectionable odors.

13          The OIMP also describes meteorological conditions  
14   and a lot of the public's comments related to wind  
15   direction. And in the OIMP, they have indicated that if  
16   wind direction causes objectionable odors, that the  
17   operator or will implement the following: stopping all  
18   operations that cause off-site odor; determine any  
19   remedies for odor problems; and they will take immediate  
20   steps to remedy those odors; determine whether or not the  
21   odor is traveling beyond the site by patrolling the site  
22   perimeter; and determine if the odor -- whether or not the  
23   odor has moved off site; or if so, if it's significant,  
24   that they will contact their adjacent neighbors and also  
25   the LEA; and they will not start operations again until



1 the wind or meteorological conditions are favorable, which  
2 will not promote additional or future off-site odors from  
3 that -- what they had investigated.

4 The OIMP always also includes complaints and how  
5 they respond to complaints. It also describes operating  
6 procedures that minimize odors.

7 One thing I wanted to address was the storage of  
8 the green material. As they indicated in their OIMP, that  
9 they will have another green material to incorporate with  
10 any biosolids within two hours of receipt. It indicates  
11 here, in the event biosolids need to be stored on site,  
12 they will immediately be covered with green material and  
13 left in rows. But this is an unusual occurrence, since  
14 most of the biosolids are processed the day of the  
15 receipt.

16 So that is what I wanted to touch on, on the OIMP  
17 related to odors.

18 CHAIRPERSON BROWN: I have a question. Did you  
19 ever receive odor complaints at the Adelanto site?

20 MS. HAROLD: Yes.

21 CHAIRPERSON BROWN: What did you do to investigate  
22 the odor complaints, as the LEA, at that site?

23 MS. HAROLD: When we investigated we really  
24 didn't -- or couldn't find what was actually causing the  
25 odors.

1           CHAIRPERSON BROWN: So you don't even know whether  
2 it was the facility operations or not?

3           MEMBER DANZINGER: The -- in the committee  
4 meeting, the operator referenced this introduction of  
5 residential green waste as the causation of the extreme  
6 odors.

7           Is that something -- I mean, did you all jointly  
8 come to that conclusion for the Adelanto site or --

9           MS. HAROLD: Yes, that was one indication of the  
10 odors, was the green material that was taken by the  
11 curbside. You know, it sits in the barrels until it's  
12 picked up and then it was transferred to their facility.

13          MEMBER DANZINGER: Was that a self-monitoring  
14 conclusion drawn by the operator, or was that something  
15 that you all discovered on your own, as the LEA, in your  
16 inspection capacity?

17          MS. HAROLD: We jointly discussed it with the  
18 operator.

19          MEMBER DANZINGER: So they presented to you, to  
20 the LEA, the reasons why they felt the odors were coming,  
21 and the LEA looked at that and accepted that as the  
22 causation?

23          You didn't independently --

24          MS. HAROLD: I wasn't actually the inspector  
25 during their operation. So I don't feel comfortable

1 really answering that. I mean, I came in at the end of  
2 the site when they were closing.

3 CHAIRPERSON BROWN: So how do we get an answer to  
4 that since you are representing the LEA and the Board has  
5 a specific question regarding how you address those issues  
6 at the previous site?

7 (No response from Ms. Harold.)

8 CHAIRPERSON BROWN: Okay.

9 Go ahead.

10 MEMBER DANZINGER: You know, the Adelanto --

11 MS. OHIOSUMUA: Excuse me.

12 MEMBER DANZINGER: Go ahead, yeah.

13 MS. OHIOSUMUA: I did go to the site --

14 CHAIRPERSON BROWN: Adelanto?

15 MS. OHIOSUMUA: Adelanto. -- when the operator  
16 was accepting green materials. And I did observe what was  
17 going on at the site, and working with -- and did  
18 recognize that this green material was not appropriate  
19 because it was generating problems at the site -- flies.

20 CHAIRPERSON BROWN: Was it contaminated green  
21 material or was it just the fact --

22 MS. OHIOSUMUA: It was highly contaminated green  
23 material.

24 CHAIRPERSON BROWN: Okay.

25 MEMBER PEACE: Do you know if the LEA ever issued

1 any violations for odor or for flies at the Adelanto  
2 facility?

3 MS. OHIOSUMUA: I would have to check my records.  
4 It has been a long time -- that was like early 2000 -- so  
5 I would have to check my records to see whether the LEA  
6 did cite any violations?

7 CHAIRPERSON BROWN: Can you go check, Dianne?

8 MS. OHIOSUMUA: Yes, I will.

9 CHAIRPERSON BROWN: Thank you.

10 We'll probably be doing some questions for a  
11 little bit. So I would appreciate an answer to that  
12 question unless the LEA, if you know, if there were any  
13 violations at the facility in Adelanto issued?

14 MS. HAROLD: I would have to check also. I don't  
15 know off the top of my head.

16 MEMBER CHESBRO: Madam Chair, I just have to say  
17 that it's really amazing to me to be having a hearing on a  
18 permit where an applicant has the problems at the previous  
19 locations, that the LEA and our staff aren't prepared to  
20 talk to us about what happened in the previous -- and give  
21 us the facts. That's just really -- you know.

22 CHAIRPERSON BROWN: I think you have consensus on  
23 this dais that this is not acceptable. You know, we have  
24 a very controversial permit; we have a lot of very  
25 concerned citizens. We have done all of our homework and

1 read every single letter that's come before us. And there  
2 are some specific questions on some issues that I think  
3 this Board would like to have answers to.

4 MS. OHIOSUMUA: It will only take me a few minutes  
5 to get you that answer as far as the violations. Like I  
6 said, it isn't -- this site was operating in the early  
7 2000s, and I just do not have that information with me.

8 CHAIRPERSON BROWN: Okay.

9 MS. OHIOSUMUA: It will just take me a few  
10 minutes, and I will come back immediately and provide you  
11 with that information.

12 MEMBER DANZINGER: The other issue though of  
13 course is -- and I don't blame the LEA rep on this. But  
14 it's not your role, Dianne, to be the LEA's advocate to  
15 explain all the reasoning for the LEA's actions or lack of  
16 action in past cases. I'm just surprised that either we  
17 didn't ask, or the LEA for San Bernardino did not, on  
18 their own, come up with here for with what they knew was a  
19 controversial item that was going to elicit a lot of  
20 questions. That just really shocks me. And I think it's  
21 poor judgment on the part of the LEA.

22 MS. OHIOSUMUA: I will get that answer and come  
23 right back. It will only take a few minutes.

24 CHAIRPERSON BROWN: Okay. Thank you, Dianne.

25 I will continue.

1           Jeff?

2           MR. MEBERG: Can I answer some of these questions  
3 you've asked?

4           CHAIRPERSON BROWN: Certainly.

5           MR. MEBERG: First of all, no, there was never any  
6 violations from the LEA.

7           The -- Jeff Meberg, Nursery Products.

8           When we first opened, as I talked about last week,  
9 we took in far too much curbside green waste from the city  
10 of Los Angeles. It was heavily contaminated. We also  
11 initially had problems with flies. We hired the County  
12 etymologist to come out, and he determined that we were  
13 importing the flies. And we also realized that we were  
14 bringing in a lot of trash, and it was that the curbside  
15 green waste was a bad bulking agent to make the compost.

16

17

18

19

20           We worked with the LEA and explained to them what  
21 we were doing and how we figured out what some of our  
22 problems were.

23           So when the LEA would respond to the initial  
24 complaints when we came out, we'd tell them, "This is what  
25 we believe is happening. These are the changes that we're

1 making." And they would monitor those changes.

2 So all the inspection reports that we have  
3 indicate all the conversations we've talked about and all  
4 the changes we were making to improve the operation. When  
5 we quit taking the curbside green waste, we no longer had  
6 fly issues. We no longer had contaminated green waste  
7 issues.

8 We took in better bulking agents for green waste  
9 and we no longer had odor issues. We were open for three  
10 years, and we didn't have any violations. We also had a  
11 lot of tourists to the site, and the consensus was, "Where  
12 are the flies? Where is the odor?"

13 Secondly, Board Member Peace, I don't think you  
14 got your question answered quite right.

15 There's a distinctive [sic] between dust and  
16 bioaerosols. At the compost facility in Adelanto as well  
17 as the Hawes facility, we will use our water truck to  
18 suppress dust on the road, on the areas, in between the  
19 windrows, which is what we did in Adelanto. We didn't  
20 have a problem with biosolids or compost blowing off the  
21 site. It's too heavy.

22 In -- all of those studies about bioaerosols have  
23 been distinctive between bioaerosols and the dust. It's  
24 all extensively studied in the EIR.

25 So we have a dust minimization plan which is just

1 basically how do you maintain dust and meeting the AQMD  
2 regulations on your -- just being in a windy area in the  
3 desert versus biosolids blowing off or not blowing off.

4 And what I did say in the EIR is the bioaerosol  
5 studies that had been done, they hadn't found any  
6 bioaerosols that blew more than 50 feet. That study was  
7 done by Dr. Pepper at the University of Arizona, and  
8 that's one of the many studies that's included in the EIR.

9 MEMBER PEACE: Isn't it true that bacteria and  
10 pathogens can attach themselves to dust?

11 MR. MEBERG: Molecular structure is too heavy and  
12 those do not blow.

13 What you are talking about is specifically called  
14 the bioaerosols. And if the bioaerosols attach to dust,  
15 then it's too heavy. The dust we're having would be  
16 desert dust.

17 MEMBER PEACE: Too heavy to be blown in  
18 55-mile-an-hour winds?

19 MR. MEBERG: Right. And that's not opinion.  
20 That's part of what's included in the EIR.

21 Were those the points that were -- that you were  
22 asking about?

23 CHAIRPERSON BROWN: I believe so.

24 Do you have any questions?

25 Thank you.



1           MEMBER CHESBRO: I did want to thank my colleague  
2   for being more precise in his focusing what I said a  
3   little bit. And so adding to that and trying to focus it  
4   a little bit more clearly, it's not the individual who's  
5   here today. It's the management of the LEA making sure  
6   that we had before us a person or persons with the  
7   background to be prepared to address questions related to  
8   the other site.

9           So I appreciate your grace in being more precise  
10  in directing your -- so anyway, my arguing point should be  
11  should be with the management of the LEA. I guess that's  
12  how I would summarize my feeling.

13          CHAIRPERSON BROWN: I agree.

14          MR. MEBERG: Can I add one more comment while we  
15  are waiting for Dianne? I forgot to make it when I first  
16  started.

17          When we were in Adelanto, we formed an Adelanto  
18  citizen's advisory group, and we met once a month. We  
19  would meet at Adelanto City Hall. Then we would go out to  
20  the compost site.

21          We were there to be able to hear any issues that  
22  the citizens had, and the citizens got to learn about the  
23  composting operations. They didn't have any issues once  
24  they started coming out to the site and realizing that  
25  some of the odor issues, for instance, that the school

1 experienced was the horse stables right next door to the  
2 school.

3 The Adelanto city inspectors starting charting  
4 where there were odor issues throughout the city. And  
5 they found that the city had a leaky sewer that was also  
6 downwind from where our location was. We would provide  
7 the city with the air monitoring reports.

8 So when we open our new site, we will also form a  
9 citizens' advisory group, to be able to work with the  
10 citizens. Because I understand that some of them are  
11 scared. And I think that they are scared because they  
12 haven't been receiving proper information. And I look  
13 forward to being able to explain that information to them.

14 CHAIRPERSON BROWN: Good. Thank you. I  
15 appreciate that.

16 While we're waiting for Dianne, why don't we just  
17 open it to questions.

18 MEMBER CHESBRO: Let me ask if the -- there was  
19 one other -- this may be for our staff if the LEA's not --  
20 doesn't know the answer.

21 But there was also reference made to alleged  
22 objection by Fish and Game. Are we aware -- are we aware  
23 of that and what that might have constituted and what that  
24 was about?

25 CHAIRPERSON BROWN: Do you have an answer to that,

1 or should we refer to staff?

2 MS. HAROLD: I am aware that it deals with access  
3 road, that they need to get approval by Fish and Game.

4 CHAIRPERSON BROWN: So was Fish and Game's  
5 objection to allowing access to the road or that they  
6 hadn't been consulted yet? Do you know the nature of Fish  
7 and Game's objection?

8 MS. HAROLD: No, I'm just aware that they needed  
9 to get approval.

10 MEMBER DANZINGER: So do we know whether it's gone  
11 to Fish and Game yet, or we only know that that will be an  
12 issue?

13 You're making it sound like somebody had inferred  
14 that Fish and Game had already stated its concern over  
15 something. But is it, in fact, it's still going to them?

16 CHAIRPERSON BROWN: Can you address that?

17 MS. BROTHERS: I'm Linda Brothers. I'm legal  
18 counsel to Nursery Products. I'm a partner in  
19 Sonnenschein Nath & Rosenthal in San Francisco.

20 This property is located within an area set aside  
21 by the BLM for the desert tortoise. Nursery Products has  
22 already begun informal consultation. They have not  
23 submitted an incidental take permit either to the state or  
24 federal agencies.

25 Of course, all of the state and federal agencies

1     that are relevant, including Fish and Wildlife Services as  
2     well as the State Fish and Game, commented during the EIR  
3     process. And the applicant realizes that he needs to go  
4     through an Endangered Species incidental take permit, but  
5     has not begun that process yet.

6             CHAIRPERSON BROWN: Thank you.

7             Any other questions? Member Mulé?

8             MEMBER MULÉ: Thank you, Madam Chair. I do see  
9     that Dianne is back.

10            But I just -- while we were waiting, I was going  
11     to suggest that if staff could respond to the -- to Ingrid  
12     Brostrom's letter that we received yesterday, on the  
13     violations of state minimum standards.

14            Michael, would be able to provide us some  
15     information for us?

16            Thank you.

17            STAFF COUNSEL BLEDSOE: Yes. Michael Bledsoe from  
18     the legal office.

19            We received a letter late yesterday from  
20     Ms. Brostrom, regarding the project. And as she pointed  
21     out in her testimony today, dust, nuisance, fire  
22     prevention are the critical issues or key issues that she  
23     raised in the letter. Those are all state minimum  
24     standards, all of which staff found were adequately  
25     addressed in this proposed permit.

1           Regarding dust, she noted that it's a very windy  
2   area and feels the dust will be a problem, and points out  
3   that the RCSI has provided no turning of the windrows  
4   would occur at wind speeds greater than 30 miles an hour.

5           She argues that that's a violation of state  
6   minimum standards and that will create too much of a dust  
7   problem.

8           However, our staff reviewed the permit and the EIR  
9   and found there was adequate suppression of dust.

10          She states also that the dust resulting from the  
11   project would cause a visual interference with traffic  
12   on -- Highway 58, I believe, is the neighboring road.

13          However, there's no evidence submitted for that  
14   state minimum.

15          The EIR itself notes that PM10, which would be a  
16   certain particle of the dust is below the County's  
17   threshold of significance, although there will be dust  
18   generated, it doesn't rise to the level of significant  
19   environmental impact from the County's perspective.

20          Regarding nuisance, Ms. Brostrom points out that  
21   the Adelanto facility was declared to be a public  
22   nuisance. That essentially, the same kind of operation is  
23   proposed for the Hinkley site or the Hawes site as was  
24   conducted at Adelanto. Therefore, she anticipates that  
25   there will be odor and vector nuisance problems.

1           However, I think we have to say that there are  
2   different facts at the incident site. The fact that the  
3   Adelanto facility was a public nuisance does not  
4   necessarily mean that the proposed facility will be a  
5   public nuisance.

6           Staff considered those facts and found that there  
7   will not be a nuisance created by this project.

8           Regarding fire prevention, we do have a few  
9   citations in her comments, which apply either to waste  
10   tire facilities or to other solid waste facilities  
11   themselves.

12          I read to you earlier today the fire prevention  
13   and control standard that applies at composting  
14   facilities. I won't do that again. I will simply point  
15   out that the RCSI provides for a fire protection plan. It  
16   will be in place before combustible materials are brought  
17   to the site. And we did discuss that earlier.

18          So our response to her comments are that -- you  
19   know, I believe that staff have based their  
20   recommendations to you based on substantial evidence that  
21   those areas of concern will not arise.

22          And if I could take this opportunity, because it  
23   is somewhat related, simply to read to you the standard  
24   that applies to dust and nuisances, which I did not do  
25   earlier.

1           And that also is found in Title 14, Section  
2   17867(a)(2), and it provides that all compostable  
3   materials handling activities shall be conducted in a  
4   manner that minimizes vectors, odor impacts, litter,  
5   hazards, nuisances, and noise impacts, and minimizes human  
6   contact with inhalation, ingestion, and transportation of  
7   dust, particulates, and pathogenic organisms.

8           So that's a very general performance-based  
9   standard. Staff has made its recommendation to you. And  
10   ultimately, it's up to you to determine whether the  
11   operations will or will not meet that particular state  
12   minimum standard.

13          Thank you.

14          CHAIRPERSON BROWN: Thank you, Michael.

15          Any other questions?

16          Dianne?

17          MS. OHIOSUMUA: I did check the records, and there  
18   were no violations issued by the LEA to the previous site.  
19   And there was no citation of any public nuisance.

20          CHAIRPERSON BROWN: Which is interesting because  
21   the city of Adelanto declared it a public nuisance.

22          Michael, can you describe that, how a declaration  
23   of a public nuisance is made? Is it made on science-based  
24   fact or --

25          STAFF COUNSEL BLEDSOE: Madam Chair, let me just

1 read the source of my information, because I have no  
2 personal knowledge as to what the city of Adelanto did.

3 But in Ms. Brostrom's letter, she states, "In  
4 fact, the City of Adelanto passed a resolution calling the  
5 facility a public nuisance." And the sentence continues.  
6 So that's the basis of my information.

7 And typically, the way that is done is in order  
8 for a city to take certain types of action against a  
9 property owner, they have to hold a public hearing  
10 essentially and declare that the operation is a public  
11 nuisance. And that's, you know, conduct which is  
12 bothering a substantial number of citizens such as odors,  
13 flies, that sort of thing, dust.

14 So ultimately, again, I don't know Adelanto's  
15 ordinances, but the typical city might be able to condemn,  
16 tear down, a substandard building, for example, that's  
17 infested with rats and garbage, or take other actions for  
18 different types of public nuisances.

19 CHAIRPERSON BROWN: Okay. Okay.

20 Any Board members have any other questions at this  
21 time, regarding this agenda?

22 MEMBER PEACE: I don't have any questions, but I  
23 just have I guess some comments I would like to say before  
24 we take a vote.

25 In all the research that I have done on biosolids



1     composting, it does seem like it has become a widely  
2     acceptable way of recycling biosolids into a beneficial  
3     product. The problems of odors and airborne contaminants  
4     and pathogens can be safely controlled if the composting  
5     is done correctly.

6             And I think that is what the citizens of Hinkley  
7     and Barstow are most concerned about, because of the past  
8     history of Nursery Products at Adelanto. I think they  
9     have a distrust of not only Nursery Products but of the  
10    LEA as well.

11            And I think they have legitimate concerns over  
12    such issues such as odor and dust and water quality and  
13    migration and airborne pathogens and the effects those  
14    things will have on their health and their community.

15            So I feel like the community does have a right to  
16    feel safe.

17            And I think the Board does have an obligation to  
18    make sure that the Nursery Product facility is run  
19    correctly and run in a safe manner. So what could we as a  
20    Board do? And I'm thinking, could this Board -- I would  
21    like this Board may be to consider that there be some  
22    unannounced inspections, that we could maybe have  
23    unannounced inspections at least, say, monthly by our  
24    staff or at least the first year of operation, to make  
25    sure it's being -- because there's a lot of rules and

1 regulations here to follow in their -- in all their permit  
2 here and in the 503 regulations. There's a lot of things  
3 that have to be adhered to.

4 And if the community doesn't feel that the LEA is  
5 comfortable to maybe put their minds at ease a little bit,  
6 that somebody's going to be watching to make sure that  
7 this is -- this operation does get up and running and is  
8 run safely.

9 And another thing -- and because I really don't  
10 feel that the operator really put in as much effort as  
11 they should have, working with the community, to obtain  
12 the acceptance of this facility -- and I am very glad to  
13 hear that there is going to be a citizen's advisory group  
14 forum. But I would also like to maybe suggest that the  
15 operator and the LEA agree to establish a telephone  
16 hotline so that problems can be reported easily, get the  
17 phone number and address and e-mail address be well  
18 publicized.

19 And I think in their permit, it says that copies  
20 of written complaints. I think they should also make a  
21 record of complaints that are phoned in, make it easier  
22 from the community. And then it also says in their permit  
23 that all written copies regarding the facility and the  
24 operator's actions to resolve of the complaints will be  
25 submitted to the LEA quarterly.

1           And I would like to suggest that those problems  
2   and complaints be forwarded not only to the LEA but to the  
3   Board as well, and that they are not quarterly but that  
4   they are monthly. And Jeff, I know you do want to be a  
5   good neighbor, so I would like for you and the LEA to  
6   consider that we could change, that in your permit, that  
7   you would have a number, a hotline, and so those  
8   complaints could be forwarded not only to the LEA but to  
9   the Board on a monthly basis.

10           MEMBER CHESBRO: Madam Chair, I'd like to -- I  
11   don't know how we get there. We intend to discuss this  
12   with staff and possibly the LEA. But I would like to  
13   really agree with the idea of enhanced inspections at  
14   least for some period of time. And it's both for the  
15   community. But also, because one of the reasons there's  
16   fear of these facilities is when they don't work or when  
17   there's a problem. And all you have to do is know some of  
18   the problems they've had at Adelanto that are causing  
19   problems for this permit, in terms of public confidence to  
20   say, we have a broader stake in having this facility be  
21   operated properly and be successful in that the more  
22   successful facilities there are, the less problem there  
23   will be siting facilities in the future.

24           So I think both for the community and for the sake  
25   of increasing the amount of composting capacity we have in

1 the state, that that's a very good idea. Now, how we get  
2 there or whether it will be our staff or the LEA or how we  
3 accomplish that is a question probably that we ought to  
4 ask.

5 CHAIRPERSON BROWN: Staff?

6 I agree.

7 Ted?

8 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

9 Ted Rauh.

10 The Board had given the staff direction to  
11 increase its inspections of facilities. And one of the  
12 things that we plan to come forward to you with is our  
13 plans or approach for your approval on how to target those  
14 inspections. And certainly, this conversation is very  
15 good guidance in terms of how we should take a look at  
16 both particularly types of facilities -- new facilities  
17 and facilities that might pose a problem, both in their  
18 initial startup and potentially have an adverse impact on  
19 the entire infrastructure.

20 MEMBER CHESBRO: If we're going to try today to  
21 recommend -- or to increase the inspection, would it be  
22 direction to our staff or to the LEA, or what would be the  
23 most appropriate way to --

24 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

25 I think the Board can certainly encourage the LEA. You

1 can encourage them to pay close attention to the startup  
2 of this company's operations.

3 On our side --

4 MEMBER PEACE: I'm sorry. The LEA is required to  
5 inspect them monthly. But we're not. That's what I was  
6 saying.

7 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:  
8 That's my second point. And certainly, we can take this  
9 direction to utilize the resources I mentioned earlier in  
10 a fashion to create the kinds of inspections on a periodic  
11 basis -- random, and unannounced inspections during the  
12 startup of this facility as well.

13 CHAIRPERSON BROWN: And I will just take that one  
14 further. Until we are satisfied that this facility is  
15 operating in a manner that is appropriate, we can't put a  
16 time line on that, whether it's during startup, during the  
17 first year, the first two years. I think we need to  
18 direct staff that we'll do our unannounced inspections  
19 until we feel that the operation is adequately performing.

20 But I think that's a great suggestion, Member  
21 Peace. Thank you for bringing that up.

22 And as Senator Chesbro said, and we've talked  
23 about it before, it is of paramount importance that these  
24 facilities are operated at least -- at minimum standards,  
25 but our standards are much higher. And we want to make

1     sure that there's an adequate infrastructure in the state,  
2     and we're able to site these facilities.

3             PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

4     I might make one other additional suggestion because of  
5     the concern with respect to wind speed. And the fact that  
6     this information is being collected on a computer, it  
7     certainly would be possible for that computer to be linked  
8     both to the LEA and ourselves, so that there's a real-time  
9     record going on with respect to those wind episodes. So  
10    it can be verified with the log and also provide  
11    information as to when an inspection might be necessary  
12    and appropriate.

13            CHAIRPERSON BROWN: Great suggestion.

14            Any other comments or questions from Board  
15    members? Member Danzinger?

16            MEMBER DANZINGER: Yeah, I want to make a few  
17    comments.

18            Cheryl, great idea. I absolutely agree with that.  
19    And I think that's a proven course for us to take.

20            I want to talk about a couple of things emanating  
21    from last week's committee meeting. And this has been a  
22    highly charged item, to be sure, the subject of many, many  
23    hours of research and review by our staff and an  
24    exhaustive dialogue with those who are following proposal  
25    with keen interest. Actually, as Wesley pointed out,

1 right to the very moment, we're still getting  
2 transmissions right now.

3 And I do want to extend my earnest regards to  
4 those who have expressed their concerns and their  
5 opposition. Given past history, I can appreciate the  
6 trepidation you may feel toward any industrial operation  
7 proposed for this area. I respect your passion and your  
8 vigilance in expressing your opposition and the reasons  
9 behind the opposition.

10 I have seen knee-jerk Nimbyism countless times. I  
11 know that is not the case here by any stretch. Your voice  
12 has not been silenced. Your concerns have not been  
13 ignored, and they won't be at any point going on so far as  
14 we're concerned, regardless of what happens today.

15 I want to repeat, though, something that I  
16 mentioned last week. And we've gone over it time and time  
17 again. But these issues have come up, right to the last  
18 minute.

19 In the course of conducting our business and  
20 enforcing law, our actions are governed by law just as  
21 well. And the law is quite clear with respect to the  
22 Board's permitting role and our purview vis-a-vis other  
23 regulatory agencies that also have specified roles in this  
24 permit application.

25 Again, the statutory provisions they are not only

1 quite clear, they are so, clearly by design. They take  
2 into account the extensive local process and the scrutiny  
3 and approval required by regional and state regulatory  
4 agencies, which, in total, cover all of the impacts.

5         Aside from the statutory solid waste issues,  
6 germane to our decision making, opponents want us to  
7 render, in effect, citing and land use decisions that are  
8 reserved for local control. They want us to arbitrarily  
9 assume the role of an air board or water board. These are  
10 prohibitive actions outside the scope of our authority.

11         So I can understand the frustration that you are  
12 experiencing at this stage. But remember, this is one  
13 step in a lengthy process. And at each step of the way,  
14 the primary experts for each defined set of impacts are  
15 looking at this with an eagle eye. And that's what is  
16 going to continue to happen.

17         And I would also like to quickly respond to a few  
18 of the comments that were made in the committee hearing  
19 last weekend in written correspondence. Several people  
20 have said, in essence, that all they are asking for is for  
21 us to require that the facility be enclosed. Well,  
22 enclosure is the state-of-the-art option, and it's part of  
23 a future that we want to see more of. We want to see it  
24 penciled out and be mainstreamed, for instance, with  
25 anaerobic digestion facilities. But it's not the required



1 method for processing such materials.

2 We agree, certainly, that we want to see this in  
3 the future, but I disagree with the presumption that any  
4 option short of an enclosed facility is the cheap choice.  
5 You may very well have a beef with local decision makers  
6 and regulators on certain issues. And one of those may be  
7 the universe of options that were contemplated.

8 But the operational methods proposed for this  
9 facility, they are not fundamentally flawed, they are not  
10 contrary to law, and they are, in fact, being employed by  
11 other similar, successful, operations, elsewhere. Such a  
12 difference of opinion is not the basis for denial of a  
13 permit.

14 It's also frustrating, I want to point out, how  
15 many people refer to us. And it didn't happen as much  
16 today, but how many refer to this operation as a dump.  
17 Among the written and spoken comments we've heard, it's  
18 been referred to as sludge dump an open-air dump, a toxic  
19 waste dump. One AP story I read, apparently taken from  
20 some of these comments used its headline space to describe  
21 the committee's action last week as having recommended  
22 dumping sludge at the site.

23 Now, the only problem with these comments of  
24 course is that they are -- they couldn't be more wrong.  
25 This is not a dump. A dump is a hole in the ground, you

1 put something in and you leave it there.

2 This facility would prevent that from happening.

3 I'm not pointing this out as any kind of defense of the

4 operator. Hardly. But rather, to clarify the

5 sensibilities behind the committee's action and the

6 committee's decision last week.

7 And I can tell you, we're looking at a facility

8 that would exist simply to take biosolids and other green

9 waste and dump it. And I'm the last person on earth who's  
10 going to characterize that as a public benefit facility.

11 The benefit is not in dumping it, but in liberating it

12 from landfill ownership, so that it can be put to better

13 and higher uses in society, to displace raw material

14 extraction. And you can't do this without processing it.

15 Now, beyond all this -- and this is something else

16 that I alluded to, and many of us have -- while it's

17 certainly not our role to play advocate for any facility

18 seeking a permit, it is our role to advocate for the

19 expansion of a class of facilities, such as composting and

20 other recovery facilities that, when run responsibly, will

21 serve the sustainability and waste reduction goals and

22 mandates adopted by California, and enacted through AB 939

23 and a host of related bills since.

24 So anyway, with respect to the solid waste issues

25 in law, the permit meets the standards. I believe the

1 concurrence in its issuance is appropriate.

2 And as importantly as Cheryl pointed out, we all  
3 agree with, it's going to be very important for us to work  
4 closely with you and everybody involved, particularly the  
5 LEA to make sure that this is getting done right and that  
6 it is being closely watched every step of the way. And I  
7 am certain, and I hope, that the applicant understands  
8 that fact as well.

9 CHAIRPERSON BROWN: Thank you, Jeff.

10 Member Mulé?

11 MEMBER MULÉ: Thank you, Madam Chair. I just want  
12 to echo the comments of my fellow Board members.

13 I couldn't have presented the facts any better  
14 than you just have, Member Danzinger. So thank you very  
15 much.

16 So on the inspections issue, that is something  
17 that I also -- I discussed with staff and I am very  
18 pleased to hear that the rest of the Board would like to  
19 see that.

20 The only thing that I have to add to that, and I  
21 like your idea, Board Chair, that we're not going to put a  
22 time limit on it. We're going to be there as long as it  
23 takes, as long as we feel comfortable that you are doing  
24 the right thing and you are operating not just within the  
25 minimum standard of the law but to the letter of the law.

1 That is acceptable to us.

2 Also, the one thing I want to add with that is  
3 that Ted, if you don't mind reporting back to the Board  
4 either on a quarterly basis -- it can be done in your  
5 director's report -- on the inspections, how they are  
6 going, how the operation's going.

7 I think that would give us, as Board members, some  
8 comfort level on how the operation is proceeding, because  
9 if it's not proceeding the way that we feel it should be,  
10 then at least we can nip it in the bud earlier than later.

11 So with that, the other comment I just want to  
12 make is, again, as Board Member Danzinger just closed  
13 with, we will be working very closely with the LEA and  
14 with the operator to ensure that this project is being run  
15 properly, because we do have the responsibility, if you  
16 will, to ensure that we do have adequate infrastructure to  
17 take these materials otherwise destined for landfills and  
18 create a higher and better use for them.

19 And again, that's why we have all these  
20 regulations and laws and standards in place to ensure that  
21 the public health and safety is protected.

22 So with that, I will conclude my comments. And  
23 thank you very much, Madam Chair.

24 And also before I end, I do want to thank all of  
25 the citizens.

1           Before I forget, in response to Jessie Orr's  
2   question on how I got to the site, is, I did drive from  
3   the Azusa area, so I went up the 15 and across the 58.

4           But I do want to thank all the citizens for your  
5   involvement, for Council Member Gomez, for you being here  
6   today. I mean, we are listening. And I did read every  
7   single e-mail over the weekend. You know, we worked on  
8   this. We did pore through all of the information provided  
9   to us in considering this permit. So thank you all for  
10   your participation and for your comments.

11           MEMBER PEACE: I guess I did see Jeff nodding his  
12   head in agreement when I said there should be some sort of  
13   a citizen hotline to call in, that there would also be the  
14   address --

15           MR. MEBERG: Our Web page is  
16   nurseryproductservices.com, and the hotline number is  
17   already on the Web page.

18           MEMBER PEACE: Great.

19           MR. MEBERG: And we welcome somebody from  
20   Integrated Waste staff to be out there every single day  
21   that we operate.

22           MEMBER PEACE: Well, staff, how do we make sure  
23   that works? It says that you will report those complaints  
24   quarterly to the LEA. And added, that will be monthly --

25           CHAIRPERSON BROWN: Does that mean it will be

1 added to the permit conditions or by the LEA or....

2 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

3 That's a good question.

4 STAFF COUNSEL BLEDSOE: Michael Bledsoe from  
5 legal. Yes, that would be up to the LEA to modify that  
6 condition.

7 CHAIRPERSON BROWN: Does that have to be done  
8 prior to us taking Board action?

9 STAFF COUNSEL BLEDSOE: Well, hopefully she could  
10 respond right now. And if the operator has no problem  
11 with it, it's time for both of them to speak up.

12 CHAIRPERSON BROWN: Okay.

13 I think Member Peace specifically asked reporting  
14 to the Board on a regular basis and establishing a hotline  
15 for citizens' complaints directly to the operator, which  
16 has been done in other jurisdictions.

17 MS. HAROLD: I thought Jeff answered that question  
18 about the Web site. But as far as the permit, we can  
19 change it to monthly. We have no problem with that,  
20 relating to the comments and forwarding them to the Waste  
21 Board.

22 MEMBER PEACE: Not only to the LEA but to the  
23 Waste Board as well.

24 MS. HAROLD: Yes, we have no problem with changing  
25 that.

1           CHAIRPERSON BROWN: But you will do monthly  
2 inspections because that's what's required?

3           MS. HAROLD: Right. But it doesn't prohibit us  
4 from going out there any more frequently.

5           CHAIRPERSON BROWN: Maybe the operator, can you  
6 respond to the request for a citizen's hotline for  
7 complaints?

8           MR. MEBERG: We already have a hotline.

9           CHAIRPERSON BROWN: Oh, you do?

10          MR. MEBERG: I don't have it memorized, but it's  
11 on our Web page. We're not open yet, so nobody's called  
12 it. But it's already been established. But we welcome as  
13 much inspections as possible, because the more regulators  
14 come out, the more they see that we actually make an  
15 extreme effort in running a great facility.

16          So as many unannounced inspections as any agency  
17 wants to do, we more than welcome.

18          CHAIRPERSON BROWN: I like the citizen outreach.  
19 I think it's important for them to have them participate  
20 in a group with you.

21          MR. MEBERG: I agree.

22          I mean, Mr. Gomez is welcome to come out every day  
23 as well. And we'll be more than glad to teach him about  
24 composting.

25          MEMBER DANZINGER: You know, this discussion

1 reminded me of something I read in one of the late letters  
2 that we got yesterday, from Mr. Diaz, who makes the  
3 presumption in his letter that we can't compel somebody to  
4 be a good neighbor. We can. I mean, we have an  
5 enforcement role as well as a permitting role. And  
6 through the engagement that we've been talking about, that  
7 is how we help contribute to the fact that, you know,  
8 making sure that the operator is a good neighbor or no  
9 operator at all.

10 MEMBER PEACE: One more question.

11 Jeff, is your -- we did hear that there's quite a  
12 large Hispanic population. Is your Web site and the  
13 number posted for complaints, is that also in English and  
14 in Spanish?

15 MR. MEBERG: I don't know.

16 MEMBER PEACE: Can you make it clear on your Web  
17 site for complaints?

18 MR. MEBERG: I think it just says "hotline." We  
19 established it four or five months ago, so I don't  
20 remember.

21 CHAIRPERSON BROWN: I think it is important that  
22 we encourage the operator to include bilingual translation  
23 on all correspondence and outreach to the community. You  
24 know, at least have an access for them on your Web site  
25 translation or a page that's in Spanish and gives them



1     adequate information on how to contact somebody for  
2     bilingual services and complaints.

3             MR. MEBERG: All right. We already have bilingual  
4     staff members already. So that will be perfect.

5             CHAIRPERSON BROWN: Thank you.

6             Any other questions, comments, Board members?

7             I need a motion from somebody.

8             MEMBER MULÉ: Madam Chair, I will move Resolution  
9     2007-164.

10            MEMBER PEACE: I think that's Revision 2.

11            MEMBER MULÉ: Revision 2? Okay. I don't seem to  
12    have that in front of me.

13            CHAIRPERSON BROWN: Do I have a second?

14            MEMBER DANZINGER: Second.

15            CHAIRPERSON BROWN: It's been moved by Member  
16    Mulé, seconded by Member Danzinger.

17            Kristen, call the roll.

18            EXECUTIVE ASSISTANT GARNER: Chesbro?

19            MEMBER CHESBRO: Aye.

20            EXECUTIVE ASSISTANT GARNER: Danzinger?

21            MEMBER DANZINGER: Aye.

22            EXECUTIVE ASSISTANT GARNER: Mulé?

23            MEMBER MULÉ: Aye.

24            EXECUTIVE ASSISTANT GARNER: Peace?

25            MEMBER PEACE: Aye.

1 EXECUTIVE ASSISTANT GARNER: Brown?

2 CHAIRPERSON BROWN: Aye.

3 Resolution 2007-163 Revision 2 has been adopted

4 and passed by the Board.

5 (Thereupon Item 1 concluded.)

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1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. SWANK, a Certified Shorthand  
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that  
5 the foregoing California Integrated Waste Management Board  
6 meeting, Item 1, was reported in shorthand by me, Kathryn  
7 S. Swank, a Certified Shorthand Reporter of the State of  
8 California, and thereafter transcribed into typewriting.

9 I further certify that I am not of counsel or  
10 attorney for any of the parties to said meeting nor in any  
11 way interested in the outcome of said meeting.

12 IN WITNESS WHEREOF, I have hereunto set my hand  
13 this 19th day of August, 2007.

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22 KATHRYN S. SWANK, CSR

23 Certified Shorthand Reporter

24 License No. 13061

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